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LOWER CANADA.

PUBLIC DOCUMENTS

RELATING TO

LORD AYLMER'S ADMINISTRATION

OF THE

GOVERNMENT

Bibliothèque,

Le Séminaire de Québec,
OF

3, rue de l'Université,

Québec 4, QUE.

LOWER CANADA.

S.M.E.

1964



C. Whittingham, Tooks Court, Chancery Lane.

ON the 4th of June, 1836, a Petition, of which the following is a copy, was presented to the House of Commons by Viscount Ebrington, on behalf of Lord Aylmer:

TO THE HONORABLE HOUSE OF COMMONS.

The Petition of the undersigned humbly sheweth :

That in the year 1834, (your Petitioner being at that time Governor in Chief, and Commander of the Forces in His Majesty's Possessions in North America,) the House of Assembly of Lower Canada, in a Petition addressed to your Honorable House, preferred various complaints against the conduct of your Petitioner in his administration of the government of that Province ; and demanded of your Honorable House to prefer, and to sustain Articles of Impeachment against him before the House of Lords, founded on the said Complaints ; and that the said House of As-

sembly subsequently renewed their aforesaid Complaints, and added others in a second Petition presented to your Honorable House during the last session of the Imperial Parliament; and that no opportunity of meeting the Complaints contained in the aforesaid Petitions of the House of Assembly of Lower Canada, by any counter statement on his behalf, has ever been afforded to your Petitioner, so that the Complaints of the House of Assembly against your Petitioner, remain to this day unanswered before your Honorable House, to the prejudice of his character as a public officer.

Your Petitioner therefore prays that your Honorable House will be pleased to afford him such relief in the premises as your Honorable House in its wisdom and justice may see fit; and he further prays your Honorable House to believe that he has nothing more at heart than that every act of his administration of the government of Lower Canada, should undergo the strictest, and the most searching investigation.

(signed)

AYLMER,
Lieut. General.

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In the report of the debates in the House of Commons, on the 28th of June, 1835, contained in the Times newspaper of the 29th of June, the following conversation is stated to have taken place :

“ Mr. Roebuck hoped that the honorable baronet (Sir George Grey) would not object to the production of the despatches of Lord Aylmer, relating to the Assembly of Lower Canada, and also to the production of the fourth report made by the committee of that Assembly in regard to Lord Aylmer’s conduct.

“ Sir George Grey said, there was no objection to the production of Lord Aylmer’s despatches for which his noble friend, the member for Devonshire, intended to move that evening. From the moment that charges were made against him, Lord Aylmer had courted investigation ; and he had expressed a wish at an early period of the session that his despatches should be produced. The government, however, then thought it might be inconvenient to produce them until the discussion on the motion of the honorable member for Bath was over. There was now no objection to their production, and Lord Aylmer was most anxious that they should be laid before the house.

With regard to the report of the committee of the Assembly of Lower Canada, it was no doubt a public document, and if pressed for its production, he did not feel that he should have any grounds for refusing it. He trusted, however, that the honorable member would not press for it, as the production of it would only tend to perpetuate a dispute between the late governor of the colony and the House of Assembly, that he (Sir George Grey) was in hopes was fast dying away."

It further appears by the same report in the Times newspaper of the 29th of June, of the debates of the House of Commons on the preceding evening, that at a subsequent period of the sitting, Lord Ebrington made a motion which was acceded to without debate, for the production of Lord Aylmer's despatches of the 5th of March, 1834, addressed to the Right Honorable Edward Stanley; and of the 18th of March, 1835, addressed to the Earl of Aberdeen.

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RESOLUTIONS OF THE HOUSE OF ASSEMBLY
OF LOWER CANADA;

LORD AYLMER'S DISPATCH OF MARCH 5, 1834;
AND ENCLOSURES RELATING
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[*The Ninety-two Resolutions of the House of Assembly of Lower Canada, upon which were founded the First Petition of that Assembly to the House of Commons, referred to in Lord Aylmer's Petition, presented by Lord Ebrington on the 22nd of June, 1836.*]

HOUSE OF ASSEMBLY,
Friday, 21st February, 1834.

1. *Resolved*, That His Majesty's loyal subjects, the People of this Province of Lower Canada, have shewn the strongest attachment to the British Empire, of which they are a portion ; that they have repeatedly defended it with courage, in time of war ; that at the period which preceded the Independence of the late British Colonies on this Continent, they resisted the appeal made to them by those Colonies to join their confederation.

2. *Resolved*, That the People of this Province have at all times manifested their confidence in His Majesty's Government, even under circumstances of the greatest difficulty, and when the Government of the Province has been administered by men who trampled under foot the rights and feelings dearest to British Subjects, and that these sentiments of the people of this Province remain unchanged.

3. *Resolved*, That the people of this Province have always shewn themselves ready to welcome and to receive as brethren, those of their fellow subjects, who, having quitted the United Kingdom, or its dependencies, have chosen this Province as their home, and have earnestly endeavored (as far as on them depended) to afford every facility to their participating in the political advantages ; and in the mean

of rendering their industry available, which the people of this Province enjoy ; and to remove for them the difficulties arising from the vicious system adopted by those who have administered the Government of the Province, with regard to those portions of the country in which the new comers have generally chosen to settle.

4. *Resolved*, That this House, as representing the people of this Province, has shewn an earnest zeal to advance the general prosperity of the Country, by securing the peace and content of all classes of its Inhabitants, without any distinction of origin or creed, and upon the solid and durable basis of unity of interest, and equal confidence in the protection of the Mother Country.

5. *Resolved*, That this House has seized every occasion to adopt, and firmly to establish by Law in this Province, not only the Constitutional and Parliamentary Law of England, which is necessary to carry the Government into operation, but also all such parts of the Public Law of the United Kingdom as have appeared to this House adapted to promote the welfare and safety of the People, and to be conformable to their wishes and their wants ; and that this House has, in like manner, wisely endeavored so to regulate its proceedings, as to render them as closely as the circumstances of this Colony permit, analogous to the practice of the House of Commons of the United Kingdom.

6. *Resolved*, That in the year 1827, the great majority of the People of this Province complained, in Petitions signed by 87,000 persons, of serious and numerous abuses which then prevailed, many of which had then existed for a great number of years, and of which the greater part still exist without correction or mitigation.

7. *Resolved*, That the complaints aforesaid, and the grievances which gave rise to them, being submitted to the consideration of the Parliament of the United Kingdom, occasioned the appointment of a Committee of the House of Commons, of which the Honorable Edward Geoffrey Stanley, now His Majesty's Principal Secretary of State,

for the Colonial Department, and several others who are now Members of His Majesty's Government, formed part; and that after a careful investigation, and due deliberation, the said Committee, on the eighteenth of July, 1828, came to the following very just conclusions:—

1stly, "That the embarrassments and discontents that had long prevailed in the Canadas, had arisen from serious defects in the system of Laws, and the Constitutions established in those Colonies."

2ndly, "That these embarrassments were in a great measure to be attributed to the manner in which the existing system had been administered."

3dly, "That they had a complete conviction, that neither the suggestions which they had made, nor any other improvements in the Laws and Constitutions of the Canadas, will be attended with the desired effect, unless an impartial, conciliating, and constitutional system of Government were observed in these loyal and important Colonies."

8. *Resolved*, That since the period aforesaid, the Constitution of this Province, with its serious defects, has continued to be administered in a manner calculated to multiply the embarrassments and discontents which have long prevailed: and that the recommendations of the Committee of the House of Commons have not been followed by effective measures of a nature to produce the desired effect.

9. *Resolved*, That the most serious defect in the Constitutional Act,—its radical fault,—the most active principle of evil and discontent in the Province,—the most powerful and most frequent cause of abuses of power,—of the infractions of the laws,—of the waste of the public revenue and property, accompanied by impunity to the governing party, and the oppression and consequent resentment of the governed,—is that injudicious enactment, the fatal results of which were foretold by the Right Hon. Charles James Fox, at the time of its adoption, which invests the Crown with that exorbitant power, (incompatible with any Government duly balanced and founded on Law and Justice and

not on force and coercion) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire Branch of the Legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can on any day modify it to suit the interests or the passions of the moment.

10. *Resolved*, That with the possession of a power so unlimited, the abuse of it is inseparably connected, and that it has always been so exercised in the selection of the Members of the Legislative Council of this Province, as to favor the spirit of monopoly and despotism in the executive, judicial and administrative departments of Government, and never in favor of the public interest.

11. *Resolved*, That the effectual remedy for this evil was judiciously foreseen and pointed out by the Committee of the House of Commons, who asked John Neilson, Esquire (one of the Agents who had carried to England the Petition of the 87,000 Inhabitants of Lower Canada) whether he had turned in his mind any plan by which he conceived the Legislative Council might be better composed in Lower Canada; whether he thought it possible that the said Body could command the confidence and respect of the People, or go in harmony with the House of Assembly, unless the principle of Election were introduced into its composition in some manner or other,—and also whether he thought that the Colony could have any security that the Legislative Council would be properly and independently composed, unless the principle of Election were introduced into it in some manner or other;—and received from the said John Neilson, answers in which (among other reflections) he said in substance, that there were two modes in which the composition of the Legislative Council might be bettered, the one by appointing men who were independent of the Executive, (but that to judge from experience there would be no security that this would be done), and that if this mode

were found impracticable, the other would be to render the Legislative Council elective.

12. *Resolved*, That judging from experience, this House likewise believes that there would be no security in the first mentioned mode, the course of events having but too amply proved what was then foreseen; and that this House approves all the inferences drawn by the said John Neilson, from experience and facts; but that with regard to his suggestion that a class of Electors of a higher qualification should be established, or a qualification in property fixed for those persons who might sit in the Council, this House have in their Address to His Most Gracious Majesty dated the 20th March, 1833, declared in what manner this principle could in their opinion be rendered tolerable in Canada, by restraining it within certain bounds, which should in no case be passed.

13. *Resolved*, That even in defining bounds of this nature, and requiring the possession of real property, as a condition of eligibility to a Legislative Council chosen by the People, which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House seems rather to have sought to avoid shocking received opinions in Europe, where custom and the Law have given so many artificial privileges and advantages to birth, and rank and fortune, than to consult the opinions generally received in America, where the influence of birth is nothing, and where, notwithstanding the importance which fortune must always naturally confer, the artificial introduction of great political privileges in favor of the possessors of large property, could not long resist the preference given at free Elections, to virtue, talents and information which fortune does not exclude but can never purchase, and which may be the portion of honest, contented, and devoted men, whom the people ought to have the power of calling and consecrating to the public service, in preference to richer men of whom they may think less highly.

14. *Resolved*, That this House is no wise disposed to admit the excellence of the present Constitution of Canada, although his Majesty's Secretary of State for the Colonies has unseasonably and erroneously asserted that it has conferred on the two Canadas the institutions of Great Britain; nor to reject the principle of extending the system of frequent elections much further than it is at present carried; and that this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary incompatible with the British Government, which he calls a Monarchical Government, or too analogous to the institutions which the several States composing the industrious, moral, and prosperous confederation of the United States of America have adopted for themselves.

15. *Resolved*, That in a Despatch of which the date is unknown, and of which a part only was communicated to this House by the Governor in Chief, on the fourteenth of January, 1834, His Majesty's Secretary of State for the Colonial Department (this House having no certain knowledge whether the said Despatch is from the present Colonial Secretary or from his predecessor) says, that an examination of the composition of the Legislative Council at that period (namely, at the time when its composition was so justly censured by a Committee of the House of Commons) and at the *present* will sufficiently show in what spirit His Majesty's Government has endeavoured to carry the wishes of Parliament into effect.

16. *Resolved*, That this House receives with gratitude this assurance of the just and benevolent intentions with which, in the performance of their duty, His Majesty's Ministers have endeavored to give effect to the wishes of Parliament.

17. *Resolved*, That unhappily it was left to the principal Agent of His Majesty's Government in this Province, to carry the wishes of the Imperial Parliament into effect, but that he has destroyed the hope which His Majesty's faithful

Subjects had conceived of seeing the Legislative Council reformed and ameliorated, and has confirmed them in the opinion that the only possible mode of giving to that Body the weight and respectability which it ought to possess, is to introduce into it the principle of election.

18. *Resolved*, That the Legislative Council strengthened by a majority inimical to the rights of this House and of the people whom it represents, has received new and more powerful means than it before possessed, of perpetuating and of rendering more offensive and more hurtful to the country, the system of abuses of which the people of this Province have up to this day ineffectually complained, and which up to this day, Parliament and His Majesty's Government in England have ineffectually sought to correct.

19. *Resolved*, That since its pretended reform, the Legislative Council has, in a manner more calculated to alarm the inhabitants of this Province, and more particularly in its Address to His Majesty of the 1st of April, 1833, renewed its pretension of being specially appointed to protect one class of His Majesty's Subjects in this Province, as supposing them to have interests which could not be sufficiently represented in the Assembly, seven eighths of the Members of which are, by the said Council, most erroneously stated to be of French origin and speak the French language; that this pretension is a violation of the Constitution and is of a nature to excite and perpetuate among the several classes of the Inhabitants of this Province, mutual mistrust and national distinctions and animosities, and to give one portion of the people an unjust and factious superiority over the other, and the hope of domination and undue preference.

20. *Resolved*, That by such claim, the Legislative Council, after a reform which was held up as one adapted to unite it more closely with the interests of the Colony, in conformity with the wishes of Parliament, calls down, as one of its first acts, the prejudices and severity of His Majesty's Government upon the people of this Province, and

upon the Representative Branch of the Legislature thereof; and that, by this conduct, the Legislative Council has destroyed amongst the people all hope which was left them of seeing the said Council so long as it shall remain constituted as it now is, act in harmony with the House of Assembly.

21. *Resolved*, That the Legislative Council of this Province, has never been any thing else but an impotent screen between the Governor and the People, which, by enabling the one to maintain a conflict with the other, has served to perpetuate a system of discord and contention; that it has unceasingly acted with avowed hostility to the sentiments of the people as constitutionally expressed by the House of Assembly; that it is not right, under the name of a Legislative Council, to impose an aristocracy on a Country which contains no natural materials for the composition of such a body; that the Parliament of the United Kingdom, in granting to His Majesty's Canadian Subjects the power of revising the Constitution under which they hold their dearest rights, would adopt a liberal policy, free from all considerations of former interests and of existing prejudices; and that by this measure, equally consistent with a wise and sound policy and with the most liberal and extended views, the Parliament of the United Kingdom would enter into a noble rivalry with the United States of America, would prevent His Majesty's subjects from seeing any thing to envy *there*, and would preserve a friendly intercourse between Great Britain and this Province, as her Colony, so long as the tie between us shall continue, and as her Ally whenever the course of events may change our relative position.

22. *Resolved*, That this House so much the more confidently emits the opinions expressed in the preceding Resolution, because if any faith is to be placed in the published Reports, they were at no distant period emitted with other remarks in the same spirit, in the Commons House of the United Kingdom, by the Right Honorable

Geoffrey Stanley, now his Majesty's Principal Secretary of State for the Colonial Department, and by several other enlightened and distinguished Members, some of whom are among the number of His Majesty's present Ministers; and because the conduct of the Legislative Council since its pretended Reform, demonstrates that the said opinions are in no wise rendered less applicable or less correct by its present composition.

23. *Resolved*, That the Legislative Council has at the present time less community of interest with the Province than at any former period; that its present composition, instead of being calculated to change the character of the body, to put an end to complaints, and to bring about that co-operation of the two Houses of the Legislature, which is so necessary to the welfare of the Country, is such as to destroy all hope that the said Council will adopt the opinions and sentiments of the people of this Province and of this House with regard to the inalienable right of the latter, to the full and entire control of the whole Revenue raised in the Province; with regard to the necessity under which this House has found itself (for the purpose of effecting the reformation which it has so long and so vainly demanded of existing abuses,) to provide for the expenses of the Civil Government by annual appropriations only, as well as with regard to a variety of other questions of public interest, concerning which the Executive Government, and the Legislative Council which it has selected and created, differ diametrically from the people of this Province and from this House.

24. *Resolved*, That such of the recently appointed Councillors, as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their Representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the Country, and composed of men who have irretrievably lost the public

confidence, by showing themselves the blind and passionate partisans of all abuses of power, by encouraging all the acts of violence committed under the Administration of Lord Dalhousie, by having on all occasions outraged the Representatives of the People of the Country, of men unknown to the Country, until within few years, without landed property, or having very little, most of whom have never been returned to the Assembly, (some of them having even been refused by the people,) and who have never given any proofs of their fitness for performing the functions of Legislators, but merely of their hatred to the Country; and who, by reason of their community of sentiment with him, have found themselves, by the partiality of the Governor in Chief, suddenly raised to a station in which they have the power of exerting, during life, an influence over the Legislation, and over the fate of this Province, the laws and institutions of which have ever been the object of their dislike.

25. *Resolved*, That in manifest violation of the Constitution, there are among the persons last mentioned, several who were born citizens of the United States, or are natives of other foreign Countries, and who at the time of their appointment had not been naturalized by Acts of the British Parliament; that the residence of one of these persons (Horatio Gates) in this Country, during the last War with the United States, was only *tolerated*; he refused to take up arms for the defence of the Country, in which he remained merely for the sake of lucre, and after these previous facts, took his seat in the Legislative Council, on the sixteenth of March, 1833, and fifteen days afterwards, to wit, on the first of April, voted for the Address before mentioned, censuring those who, during the last War, were under arms on the frontiers to repulse the attacks of the American Armies, and of the fellow citizens of the said Horatio Gates: that another (James Baxter) was resident during the said late War, within the United States, and was bound by the Laws of the country

of his birth, under certain circumstances forcibly to invade this Province, to pursue, destroy and capture, *if possible*, His Majesty's Armies, and such of his Canadian subjects as were in arms upon the frontiers to repulse the attacks of the American Armies, and of the said James Baxter, who, (being at the same time but slightly qualified, as far as property is concerned) became by the nomination of the Governor in Chief, a Legislator for life in Lower Canada, on the twenty second of March, 1833, and eight days afterwards, on the first of April aforesaid, voted that very Address which contained the calumnious and insulting accusation which called for the expression of His Majesty's just regret "that any word had been introduced which "should have the appearance of ascribing to a class of "His Subjects of one origin, views at variance with the "allegiance which they owe to His Majesty."

26. *Resolved*, That it was in the power of the present Governor in Chief, more than in that of any of his predecessors (by reason of the latitude allowed him as to the number and the selection of the persons whom he might nominate to be Members of the Legislative Council) to allay, for a time at least, the intestine divisions which rend this Colony, and to advance some steps towards the accomplishment of the wishes of Parliament, by inducing a community of interest between the said Council and the People, and by giving the former a more independent character by judicious nominations.

27. *Resolved*, That although sixteen persons have been nominated in less than two years by the present Governor, to be Members of the said Council, (a number greater than that afforded by any period of ten years under any other Administration,) and notwithstanding the wishes of Parliament and the instructions given by His Majesty's Government for the removal of the grievances of which the people had complained, the same malign influence which has been exerted to perpetuate in the country a system of irresponsibility in favor of public functionaries, has pre-

vailed to such an extent as to render the majority of the Legislative Council more inimical to the Country than at any former period ; and that this fact confirms with irresistible force the justice of the censure passed by the Committee of the House of Commons on the constitution of the Legislative Council, as it had theretofore existed, and the correctness of the opinion of those Members of the said Committee, who thought that the said Body could never command the respect of the people nor be in harmony with the House of Assembly, unless the principle of Election was introduced into it.

28. *Resolved*, That even if the present Governor in Chief had, by making a more judicious selection, succeeded in quieting the alarm, and allaying for a time the profound discontent which then prevailed, *that* form of Government would not be less essentially vicious, which makes the happiness or misery of a country depend on an Executive over which the People of that country have no influence, and which has no permanent interest in the country, or in common with its Inhabitants ; and that the extension of the elective principle is the only measure which appears to this House to afford any prospect of equal and sufficient protection in future, to all the Inhabitants of the Province without distinction.

29. *Resolved*, That the accusations preferred against the House of Assembly by the Legislative Council, as composed by the present Governor in Chief, would be criminal and seditious, if their very nature did not render them harmless, since they go to assert, that if in its liberality and justice, the Parliament of the United Kingdom had granted the earnest prayer of this House, in behalf of the Province, (and which this House at this solemn moment, after weighing the Despatches of the Secretary of State for the Colonial Department, and on the eve of a General Election, now repeats and renews,) that the Constitution of the Legislative Council may be altered, by rendering it

elective, the result of this act of justice and benevolence would have been to inundate the country with blood.

30. *Resolved*, That by the said Address to His Majesty, dated the first of April last, the Legislative Council charges this House with having calumniously accused the King's Representative of partiality and injustice in the exercise of the powers of his office, and with deliberately calumniating His Majesty's Officers, both Civil and Military, as a faction induced by interest alone to contend for the support of a Government inimical to the rights, and opposed to the wishes of the People: with reference to which, this House declares, that the accusations preferred by it, have never been calumnious, but are true and well founded, and that a faithful picture of the Executive Government of this Province, in all its parts, is drawn by the Legislative Council in this passage of its Address.

31. *Resolved*, That if, as this House is fond of believing, His Majesty's Government in England does not wish systematically to nourish civil discord in this Colony, the contradictory allegations thus made by the two Houses, make it imperative on it to become better acquainted with the state of the Province than it now appears to be, if we judge from its long tolerance of the abuses which its agents commit with impunity; that it ought not to trust to the self praise of those who have the management of the affairs of a Colony, passing according to them, into a state of anarchy; that it ought to be convinced, that if its protection of public functionaries accused by a competent authority, (that is to say, by this House in the name of the People,) could for a time by force and intimidation aggravate, in favor of those functionaries, and against the rights and interests of the people, the system of insult and oppression which they impatiently bear, the result must be to weaken our confidence in, and our attachment to His Majesty's Government, and to give deep root to the discontent and insurmountable disgust which have been

excited by Administrations deplorably vicious, and which are now excited by the majority of the public functionaries of the Colony, combined as a faction, and induced by interest alone to contend for the support of a corrupt Government, inimical to the rights and opposed to the wishes of the People.

32. *Resolved*, That in addition to its wicked and calumnious Address of the first of April, 1833, the Legislative Council, as recomposed by the present Governor in Chief, has proved how little community of interest it has with the Colony by the fact, that out of sixty four Bills which were sent up to it, twenty eight were rejected by it, or amended in a manner contrary to their spirit and essence: that the same unanimity which had attended the passing of the greater part of these Bills in the Assembly, accompanied their rejection by the Legislative Council; and that an opposition so violent, shews clearly that the Provincial Executive and the Council of its choice, in league together against the Representative Body, do not, or *will* not consider it as the faithful interpreter and the equitable judge of the wants and wishes of the People, nor as fit to propose Laws conformable to the public will; and that under such circumstances, it would have been the duty of the Head of the Executive to appeal to the People by dissolving the Provincial Parliament, had there been any analogy between the institutions of Great Britain and those of this Province.

33. *Resolved*, That the Legislative Council, as recomposed by the present Governor in Chief, must be considered as embodying the sentiments of the Colonial Executive Government, and that from the moment it was so recomposed, the two authorities seem to have bound and leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the Province, and of governing and domineering in a spirit of blind and invidious national antipathy.

34. *Resolved*, That the Address voted unanimously on

the first of April, 1833, by the Legislative Council, as recomposed by the present Governor in Chief, was concurred in by the Honorable the Chief Justice of the Province, Jonathan Sewell, to whom the Right Honorable Lord Viscount Goderich, in his Despatch, communicated to the House, on the twenty fifth of November, 1831, recommended "*a cautious abstinence* from all proceedings "by which he might be involved in any contention of a "party nature:" by John Hale, the present Receiver General, who, in violation of the Laws, and of the trust reposed in him, and upon illegal Warrants issued by the Governor, has paid away large sums of the public money, without any regard to the obedience which is always due to the Law:—by Sir John Caldwell, Baronet, the late Receiver General, a Peculator, who has been condemned to pay nearly £100,000 to reimburse a like sum levied upon the People of this Province, and granted by Law to His Majesty, His Heirs and Successors, for the public use of the Province, and for the support of His Majesty's Government therein, and who has diverted the greater part of the said sum from the purposes to which it was destined, and appropriated it to his private use:—by Matthew Bell, a Grantee of the Crown, who has been unduly and illegally favored by the Executive, in the lease of the Forges of St. Maurice, in the grant of large tracts of waste Lands, and in the lease of large tracts of land formerly belonging to the Order of Jesuits:—by John Stewart, an Executive Councillor, Commissioner of the Jesuits Estates, and the incumbent of other lucrative Offices:—all of whom are placed by their pecuniary and personal interests, under the influence of the Executive:—And by the Honorable George Moffatt, Peter M'Gill, John Molson, Horatio Gates, Robert Jones and James Baxter, all of whom, as well as those before mentioned, were, with two exceptions, born out of the Country; and all of whom, except one, who, for a number of years, was a Member of the Assembly, and has extensive landed property, are but slightly

qualified in *that* respect, and had not been sufficiently engaged in public life to afford a presumption that they were fit to perform the functions of Legislators for life; and by Antoine Gaspard Couillard, the only native of the Country of French origin, who stooped to concur in the Address, and who also had never been engaged in public life, and is but very moderately qualified with respect to real property, and who, after his appointment to the Council, and before the said first of April, rendered himself dependent on the Executive, by soliciting a paltry and subordinate place of profit.

35. *Resolved*, That the said Address, voted by seven Councillors under the influence of the present head of the Executive, and by five others of his appointment (one only of the six others who voted it (the Honorable George Moffatt) having been appointed under his Predecessor) is the work of the present Administration of this Province, the expression of its sentiments, the key to its acts, and the proclamation of the iniquitous and arbitrary principles which are to form its rule of conduct for the future.

36. *Resolved*, That the said Address is not less injurious to the small number of Members of the Legislative Council who are independent, and attached to the interests and honor of the country,—who have been Members of the Assembly, and are known as having partaken its opinions and seconded its efforts to obtain for it the entire control and disposal of the Provincial Revenue;—as having approved the wholesome, constitutional, and not, as styled by the Council, the daring step taken by this House of praying by Address to His Majesty, that the Legislative Council might be rendered elective;—as condemning the scheme for the creation of an extensive monopoly of Lands in favor of speculators residing out of the country;—as believing that they could not have been appointed to the Council with a view to increase the constitutional weight and efficacy of that body, in which they find themselves opposed to a majority hostile to their principles and their country;

—as believing that the interests and wishes of the People are faithfully represented by their Representatives, and that the connection between this country and the parent State will be durable in proportion to the direct influence exercised by the People in the enactment of Laws adapted to ensure their welfare; and as being of opinion that His Majesty's subjects recently settled in this country, will share in all the advantages of the free institutions and of the improvements which would be rapidly developed, if, by means of the extension of the elective system, the administration were prevented from creating a monopoly of power and profit in favour of the minority who are of one origin, and to the prejudice of the majority who are of another, and from buying, corrupting, and exciting a portion of this minority in such a manner as to give to all discussions of local interest the alarming character of strife and national antipathy; and that the independent Members of the Legislative Council, indubitably convinced of the tendency of that body, and undeceived as to the motives which led to their appointment as Members of it, now refrain from attending the sittings of the said Council, in which they despair of being able to effect any thing for the good of the country.

37. *Resolved*, That the political world in Europe is at this moment agitated by two great parties, who in different countries appear under the several names of Serviles, Royalists, Tories and Conservatives on the one side, and of Liberals, Constitutionalists, Republicans, Whigs, Reformers, Radicals, and similar appellations on the other;—that the former party is, on this continent, without any weight or influence, except what it derives from its European supporters, and from a trifling number of persons who become their dependents for the sake of personal gain, and of others who from age or habit cling to opinions which are not partaken by any numerous class; while the second party overspreads all America; and that the Colonial Secretary is mistaken, if he believes that the exclusion of a few salaried officers from the Legislative Council could suffice to make it harmonize

with the wants, wishes, and opinions of the People, as long as the Colonial Governors retain the power of preserving in it a majority of Members rendered servile by their antipathy to every liberal idea.

38. *Resolved*, That this vicious system which has been carefully maintained, has given to the Legislative Council a character of greater animosity to the country than it had at any former period ; and is as contrary to the wishes of Parliament, as *that*, which in order to resist the wishes of the people of England for the Parliamentary Reform, should have called into the House of Lords a number of men notorious for their factious and violent opposition to that great measure.

39. *Resolved*, That the Legislative Council, representing merely the personal opinions of certain Members of a body so strongly accused, at a recent period, by the People of this Province, and so justly censured by the Report of the Committee of the House of Commons, is not an authority competent to demand alterations in the Constitutional Act of the thirty first George the Third, chapter thirty-one ; and that the said Act ought not to be, and cannot be altered, except at such time, and in such manner, as may be wished by the People of this Province, whose sentiments this House is alone competent to represent: that no interference on the part of the British Legislature with the Laws and Constitution of this Province, which should not be founded on the wishes of the People, freely expressed either through this House, or in any other Constitutional manner, could in any wise tend to settle any of the difficulties which exist in this Province, but, on the contrary, would only aggravate them, and prolong their continuance.

40. *Resolved*, That this House expects from the justice of the Parliament of the United Kingdom, that no measure of the nature aforesaid, founded on the false representations of the Legislative Council, and of the Members and tools of the Colonial Administration, all interested in

perpetuating existing abuses, will be adopted to the prejudice of the rights, liberties, and welfare of the people of this Province; but that on the contrary, the Imperial Legislature will comply with the wishes of the people and of this House, and will provide the most effectual remedy for all evils present and future, either by rendering the Legislative Council elective in the manner mentioned in the Address of this House to His Most Gracious Majesty, of the twentieth of March, 1833, or by enabling the people to express still more directly their opinions as to the measures to be adopted in that behalf, and with regard to such other modifications of the Constitution as the wants of the people, and the interests of His Majesty's Government in this Province, may require; and that this House perseveres in the said Address.

41. *Resolved*, That His Majesty's Secretary of State for the Colonial Department, has acknowledged in his Despatches, that it has frequently been admitted that the people of Canada ought to see nothing in the Institutions of the neighbouring States which they could regard with envy, and that he has yet to learn that any such feeling now exists among His Majesty's subjects in Canada: to which this House answers, that the neighbouring States have a form of Government very fit to prevent abuses of power, and very effective in repressing them: that the reverse of this order of things has always prevailed in Canada under the present form of Government: that there exists in the neighbouring States a stronger and more general attachment to the national institutions, than in any other country; and that there exists also, in those States, a guarantee for the progressive advance of their political institutions towards perfection, in the revision of the same at short and determinate intervals, by conventions of the people, in order that they may, without any shock or violence, be adapted to the actual state of things.

42. *Resolved*, That it was in consequence of a correct idea of the state of the country, and of society generally

in America, that the Committee of the House of Commons asked, whether there was not in the two Canadas, a growing inclination to see the institutions become more and more popular, and in that respect more and more like those of the United States ; and that John Neilson, Esquire, one of the Agents sent from this country, answered, that the fondness for popular institutions had made great progress in the two Canadas ; and that the same Agent was asked whether he did not think that it would be wise that the object of every change made in the institutions of the Province, should be to comply more and more with the wishes of the people, and to render the said institutions extremely popular ; to which question, this House, for and in the name of the people whom it represents, answers solemnly and deliberately, " Yes, it would be wise—it would be excellent."

43. *Resolved*, That the constitution and form of Government which would best suit this Colony, are not to be sought solely in the analogies offered by the institutions of Great Britain, where the state of Society is altogether different from our own ; and that it would be wise to turn to profit by the information to be gained by observing the effects produced by the different and infinitely varied Constitutions which the Kings and Parliament of England have granted to the several Plantations and Colonies in America, and by studying the way in which virtuous and enlightened men have modified such Colonial Institutions when it could be done with the assent of the parties interested.

44. *Resolved*, That the unanimous consent with which all the American States have adopted and extended the Elective system, shows that it is adapted to the wishes, manners and social state of the inhabitants of this Continent ; that this system prevails equally among those of British and those of Spanish origin, although the latter, during the continuance of their Colonial state, had been under the calamitous yoke of ignorance and absolutism ;

and that we do not hesitate to ask from a Prince of the House of Brunswick, and a reformed Parliament, all the freedom and political powers which the Princes of the House of Stuart and their Parliaments granted to the most favored of the Plantations formed at a period when such grants must have been less favorably regarded than they would now be.

45. *Resolved*, That it was not the best and most free systems of Colonial Government which tended most to hasten the independence of the Old English Colonies; since the Province of New York, in which the institutions were most monarchical, in the sense which that word appears to bear in the Despatch of the Colonial Secretary, was the first to refuse obedience to an Act of the Parliament of Great Britain; and that the Colonies of Connecticut and Rhode Island which though closely and affectionately connected with the Mother Country for a long course of years, enjoyed constitutions purely democratic, were the last to enter into a confederation rendered necessary by the conduct of bad servants of the Crown, who called in the supreme authority of the Parliament and the British Constitution, to aid them to govern arbitrarily, listening rather to the Governors and their advisers than to the People and their Representatives, and shielding with their protection those who consumed the Taxes rather than those who paid them.

46. *Resolved*, That with a view to the introduction of whatever the Institutions of the neighbouring States offered that was good and applicable to the state of the Province, this House had among other measures passed during many years, a Bill founded on the principle of proportioning arithmetically the number of Representatives to the population of each place represented; and that if by the pressure of circumstances and the urgent necessity which existed that the number of Representatives should be increased, it has been compelled to assent to amendments which violate that principle by giving to several Counties

containing a population of little more than 4,000 souls, the same number of Representatives as to several others of which the population is five times as great, this disproportion is, in the opinion of this House, an act of injustice, for which it ought to seek a remedy; and that in new countries, where the population increases rapidly, and tends to create new settlements, it is wise and equitable, that by a frequent and periodical census, such increase and the manner in which it is distributed, should be ascertained, principally for the purpose of settling the representation of the Province on an equitable basis.

47. *Resolved*, That the fidelity of the People and the protection of the Government, are co-relative obligations, of which the one cannot long subsist without the other; that by reason of the defects which exist in the Laws and Constitution of this Province, and of the manner in which those Laws and that Constitution have been administered, the People of this Province are not sufficiently protected in their lives, their property and their honor; and the long series of acts of injustice and oppression of which they have to complain, have increased with alarming rapidity in violence and in number, under the present Administration.

48. *Resolved*, That in the midst of these disorders and sufferings, this House and the People whom it represents had always cherished the hope and expressed their faith that His Majesty's Government in England did not knowingly and wilfully participate in the political immorality of its Colonial Agents and Officers; and that it is with astonishment and grief that they have seen in the extract from the Despatches of the Colonial Secretary, communicated to this House by the Governor in Chief during the present Session, that one at least of the Members of His Majesty's Government entertains towards them feelings of prejudice and animosity, and inclines to favor plans of oppression and revenge, ill adapted to change a system of abuses, and the continuance of which would altogether

discourage the People, extinguish in them the legitimate hope of happiness which, as British Subjects, they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage, or of seeing those ties endangered which unite them to the Mother Country.

49. *Resolved*, That this House and the People whom it represents do not wish or intend to convey any threat; but that relying as they do on the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said extracts from the Despatches of the Colonial Secretary, as communicated to this House, is insulting and inconsiderate to such a degree, that no legally constituted body, although its functions were infinitely subordinate to those of Legislation, could or ought to tolerate them; that no similar example can be found even in the Despatches of those of his predecessors in office least favorable to the rights of the Colonies; that the tenor of the said Despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successively promulgated and enforced by this House.

50. *Resolved*, That with regard to the following expressions in one of the said Despatches, "should events "unhappily force upon Parliament the exercise of its "supreme authority to compose the internal dissension of "the Colonies, it would be my object and my duty as a "servant of the Crown, to submit to Parliament such "modifications of the Charter of the Canadas as would "tend, not to the introduction of institutions inconsistent "with Monarchical Government, but to maintaining and "strengthening the connection with the Mother Country, "by a close adherence to the spirit of the British Constitu- "tion, and by preserving in their proper place, and "within their due limits, the mutual rights and privileges "of all classes of His Majesty's subjects;" if they are to

be understood as containing a threat to introduce into the Constitution any other modifications than such as are asked for by the majority of the people of this Province, whose sentiments cannot be legitimately expressed by any other authority than its Representatives, this House would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact that, in less than twenty years, the population of the United States of America will be as great or greater than that of Great Britain, and that of British America will be as great or greater than that of the former English Colonies was when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves instead of being governed, ought to engage them to repudiate a system of Colonial government which was, generally speaking, much better than that of British America now is.

51. *Resolved*, That the approbation expressed by the Colonial Secretary in his said Despatch, of the present composition of the Legislative Council, whose acts since its pretended reform, have been marked by party spirit and by invidious national distinctions and preferences, is a subject of just alarm to His Majesty's Canadian subjects in general, and more particularly to the great majority of them, who have not yielded at any time to any other class of the inhabitants of this Province in attachment to His Majesty's Government, in their love of peace and order, in respect for the laws, and in their wish to effect that union among the whole people which is so much to be desired, to the end that all may enjoy freely and equally the rights and advantages of British subjects, and of the Institutions which have been guaranteed to and are dear to the country; that the distinctions and preferences aforesaid, have almost constantly been used and taken advantage of by the Colonial Administration of this Province, and the majority of the Legislative Councillors, Executive Councillors, Judges, and other functionaries dependent upon it; and that nothing but the spirit of union among the several classes of

the people and their conviction that their interests are the same, could have prevented collisions incompatible with the prosperity and safety of the Province.

52. *Resolved*, That since a circumstance which did not depend upon the choice of the majority of the people, their French origin and their use of the French language, has been made by the Colonial authorities, a pretext for abuse, for exclusion, for political inferiority, for a separation of rights and interests; this House now appeals to the justice of His Majesty's Government and of Parliament, and to the honor of the people of England. That the majority of the inhabitants of this Country are in no wise disposed to repudiate any one of the advantages they derive from their origin, and from their descent from the French Nation, which, with regard to the progress of which it has been the cause in civilization in the sciences, in letters, and in the arts, has never been behind the British Nation, and is now the worthy rival of the latter in the advancement of the cause of liberty and of the science of government; from which this country derives the greatest portion of its civil and ecclesiastical law, and of its scholastic and charitable institutions, and of the religion, language, habits, manners and customs of the great majority of its inhabitants.

53. *Resolved*, That our fellow subjects of British origin in this Province, came to settle themselves in a country "the inhabitants whereof professing the Religion of the Church of Rome, enjoyed an established form of constitution and system of Laws, by which their persons and their property had been protected, governed and ordered during a long series of years, from the first establishment of the Province of Canada;" that prompted by these considerations, and guided by the rules of justice and of the law of nations, the British Parliament enacted, that "in all matters of controversy, relative to property and civil rights, resort should be had to the Laws of Canada;" that when Parliament afterwards departed from the principle thus recognized, firstly, by the introduction of the

English Criminal Law, and afterwards by that of the Representative system, with all the Constitutional and Parliamentary Law necessary to its perfect action, it did so in conformity to the sufficiently expressed wish of the Canadian People; and that every attempt on the part of Public Functionaries, or of other persons (who on coming to settle in the Province, made their condition their own voluntary act,) against the existence of any portion of the Laws and Institutions peculiar to the Country, and any preponderance given to such persons in the Legislative and Executive Councils, in the Courts of Law, or in other departments, are contrary to the engagements of the British Parliament, and to the rights guaranteed to His Majesty's Canadian Subjects, on the faith of the national honor of England, and on that of capitulations and treaties.

54. *Resolved*, That any combination, whether effected by means of Acts of the British Parliament, obtained in contravention to its former engagements, or by means of the partial and corrupt Administration of the present Constitution and system of Law, would be a violation of those rights, and would, as long as it should exist, be obeyed by the people from motives of fear and constraint, and not from choice and affection;—that the conduct of the Colonial Administrations and of their agents and instruments in this Colony, has for the most part been of a nature unjustly to create apprehensions as to the views of the People, and Government of the Mother Country, and to endanger the confidence and content of the Inhabitants of this Province, which can only be secured by equal Laws, and by the observance of equal justice, as the rule of conduct in all the Departments of the Government.

55. *Resolved*, That whether the number of that class of His Majesty's subjects in this Province, who are of British origin, be that mentioned in the said Address of the Legislative Council, or whether (as the truth is) it amounts to less than half that number, the wishes and interests of the great majority of them, are common to them and to their

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fellow subjects of French origin, and speaking the French language ; that the one class love the country of their birth, the other that of their adoption ; that the greater portion of the latter have acknowledged the generally beneficial tendency of the Laws and Institutions of the Country, and have labored in concert with the former, to introduce into them gradually, and by authority of the Provincial Parliament, the improvements of which they have, from time to time, appeared susceptible ; and have resisted the confusion which it has been endeavored to introduce into them, in favor of schemes of monopoly and abuse ; and that all, without distinction, wish anxiously for an impartial and protecting Government.

56. *Resolved*, That in addition to administrative and judicial abuses which have had an injurious effect upon the public welfare and confidence, attempts have been made, from time to time, to induce the Parliament of the United Kingdom, by deceiving its justice and abusing its benevolent intentions, to adopt measures calculated to bring about combinations of the nature above mentioned, and to pass Acts of internal Legislation for this Province, having the same tendency, and with regard to which the people of the Country had not been consulted ; that unhappily the attempts to obtain the passing of some of these measures were successful, especially that of the Act of the sixth George the Fourth, chapter fifty nine, commonly called "The Tenures Act," the repeal of which was unanimously demanded by all classes of the people without distinction, through their Representatives, a very short time after the number of the latter was increased ; and that this House has not yet been able to obtain from His Majesty's Representative in this Province, or from any other source, any information as to the views of His Majesty's Government in England, with regard to the repeal of the said Act.

57. *Resolved*, That the object of the said Act was, according to the benevolent intentions of Parliament, and as the title of the Act sets forth, the extinction of feudal and

seigniorial rights and dues on Lands held *en fief* and *à cens* in this Province, with the intention of favouring the great body of the inhabitants of the Country, and protecting them against the said dues which were regarded as burdensome: but that the provisions of the said Act, far from having the effect aforesaid, afford facilities to Seigniors, to become, in opposition to the interests of their *Censitaires*, the absolute proprietors of the extensive tracts of unconceded lands, which, by the Law of the Country, they held only for the benefit of the inhabitants thereof, to whom they were bound to concede them in consideration of certain limited dues;—that the said Act, if generally acted upon, would shut out the mass of the permanent inhabitants of the country from the vacant lands in the seignories, while at the same time they have been constantly prevented from settling on the waste lands of the Crown, on easy and liberal terms, and under a tenure adapted to the Laws of the country, by the partial, secret, and vicious manner in which the Crown Land Department has been managed, and by the provisions of the Act aforesaid, with regard to the Laws applicable to the lands in question; and that the application made by certain Seigniors for a change of tenure, under the authority of the said Act, appear to prove the correctness of the view which this House has taken of its practical effect.

58. *Resolved*, That it was only in consequence of an erroneous supposition that feudal charges were inherent in the Law of this country, as far as the possession and transmission of real property, and the tenures authorized by that Law were concerned, that it was enacted in the said Act, that the lands with regard to which a change of tenure should be effected, should thereafter be held under the tenure of free and common socage;—that the seigniorial charges have been found burdensome in certain cases, chiefly by reason of the want of adequate means of obtaining the interference of the Colonial Government and of the Courts of Law, to enforce the ancient Law of the country in that behalf; and that the Provincial Legisla-

ture was, moreover, fully competent to pass laws providing for the redemption of the said charges, in a manner which should be in accordance with the interest of all parties, and for the introduction of the free tenures recognized by the Laws of the country;—that the House of Assembly has been repeatedly occupied, and now is occupied, about this important subject; but that the said Tenures Act, insufficient of itself to effect equitably the purpose for which it was passed, is of a nature to embarrass and create obstacles to the effectual measures which the Legislature of the country, with a full knowledge of the subject, might be disposed to adopt;—and that the application thus made (to the exclusion of the Provincial Legislature,) to the Parliament of the United Kingdom, which was far less competent to make equitable enactments on a subject so complicated in its nature, could only have been made with a view to unlawful speculations, and the subversion of the Laws of the country.

59. *Resolved*, That independently of its many other serious imperfections, the said Act does not appear to have been founded on a sufficient knowledge of the Laws which govern persons and property in this country, when it declares the Laws of Great Britain to be applicable to certain incidents of real property therein enumerated; and that it has only served to augment the confusion and doubt which had prevailed in the Courts of Law, and in private transactions with regard to the Law which applied to lands previously granted in free and common soccage.

60. *Resolved*, That the provision of the said Act which has excited the greatest alarm, and which is most at variance with the rights of the people of the country, and with those of the Provincial Parliament, is that which enacts that lands previously held *en fief* or *en censive*, shall, after a change of tenure shall have been effected with regard to them, be held in free and common soccage, and thereby become subject to the laws of Great Britain, under the several circumstances therein mentioned and

enumerated; that besides being insufficient in itself, this provision is of a nature to bring into collision in the old settlements, at multiplied points of contiguity, two opposite systems of laws, one of which is entirely unknown to this country, in which it is impossible to carry it into effect;—that from the feeling manifested by the Colonial Authorities and their partisans towards the Inhabitants of the country, the latter have just reason to fear that the enactment in question is only the prelude to the final subversion, by Acts of Parliament of Great Britain fraudulently obtained in violation of its former engagements of the system of Laws by which the persons and property of the people of this Province were so long happily governed.

61. *Resolved*, That the Inhabitants of this Country have just reason to fear that the claims made to the property of the Seminary of St. Sulpice at Montreal, are attributable to the desire of the Colonial Administration and its agents and tools, to hasten this deplorable state of things;—and that His Majesty's Government in England would, by re-assuring His faithful Subjects on this point, dissipate the alarm felt by the Clergy, and by the whole People without distinction, and merit their sincere gratitude.

62. *Resolved*, That it is the duty of this House to persist in asking for the absolute repeal of the said Tenures Act; and until such repeal shall be effected, to propose to the other Branches of the Provincial Parliament, such measures as may be adapted to weaken the pernicious effects of the said Act.

63. *Resolved*, That this House has learned with regret from one of the said Despatches of the Colonial Secretary, that His Majesty has been advised to interfere in a matter which concerns the privileges of this House; and that in the case there alluded to, this House exercised a privilege solemnly established by the House of Commons, before the principle on which it rests became the Law of the land;—that this privilege is essential to the independence of this

House, and to the freedom of its votes and proceedings; that the Resolutions passed by this House on the 15th of February 1831, are Constitutional and well founded, and are supported by the example of the Commons of Great Britain; that this House has repeatedly passed Bills for giving effect to the said principle, but that these Bills failed to become Law, at first from the obstacles opposed to them in another Branch of the Provincial Legislature, and subsequently by reason of the reservation of the last of the said Bills for the signification of His Majesty's pleasure in England, whence it has not yet been sent back; that until some Bill to the same effect shall become Law, this House persists in the said Resolutions; and that the refusal of His Excellency the present Governor in Chief, to sign a Writ for the Election of a Knight Representative for the County of Montreal, in the place of Dominique Mondelet, Esquire, whose seat had been declared vacant, is a grievance of which this House is entitled to obtain the redress, and one which would alone have sufficed to put an end to all intercourse between it and the Colonial Executive, if the circumstances of the Country had not offered an infinite number of other abuses and grievances against which it is urgently necessary to remonstrate.

64. *Resolved*, That the claims which have for many years been set up by the Executive Government, to that control over, and power of appropriating, a great portion of the Revenues levied in this Province, which belong of right to this House, are contrary to its rights and to the Constitution of the Country; and that with regard to the said claims, this House persists in the declarations it has heretofore made.

65. *Resolved*, That the said claims of the Executive have been vague and varying; that the documents relative to the said claims, and the Accounts and Estimates of Expenses laid before this House, have likewise been varying and irregular, and insufficient to enable this House to proceed with a full understanding of the subject on the matters to

which they related; that important heads of the Public Revenue of the Province, collected under the provisions of the Law, or under arbitrary regulations made by the Executive, have been omitted in the said Accounts; that numerous items have been paid out of the Public Revenue, without the authority of this House, or any acknowledgement of its control over them, as salaries for sinecure offices, which are not recognised by this House, and even for other objects for which, after mature deliberation, it had not deemed it expedient to appropriate any portion of the Public Revenue; and that no Accounts of the sums so expended have been laid before this House.

66. *Resolved*, That the Executive Government has endeavoured, by means of the arbitrary regulations aforesaid, and particularly by the sale of the waste lands of the Crown, and of the timber on the same, to create for itself out of the revenue which this House only has the right of appropriating, resources independent of the control of the Representatives of the People; and that the result has been a diminution of the wholesome influence which the people have constitutionally the right of exercising over the Administrative Branch of the Government, and over the spirit and tendency of its measures.

67. *Resolved*, That this House having from time to time, with a view to proceed by Bill to restore regularity to the financial system of the Province, and to provide for the Expenses of the Administration of Justice and of His Majesty's Civil Government therein, asked the Provincial Executive by Address, for divers documents and accounts relating to financial matters, and to abuses connected with them, has met with repeated refusals, more especially during the present Session and the preceding one: that divers subordinate public functionaries summoned to appear before Committees of this House, to give information on the said subject, have refused to do so, in pursuance of the said claim set up by the Provincial Administrations, to withdraw a large portion of the public income and expenditure from

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the control, and even from the knowledge of this House ; that during the present Session, one of the said subordinate functionaries of the Executive being called upon to produce the originals of sundry Registers of Warrants and Reports, which it was important to this House to cause to be examined, insisted on being present at the deliberations of the Committee appointed by the House for that purpose ; and that the head of the administration being informed of the fact, refrained from interfering, although in conformity to Parliamentary usage, this House had pledged itself that the said Documents should be returned, and although the Governor in Chief had himself promised communication of them.

68. *Resolved*, That the result of the secret and unlawful distribution of a large portion of the Public Revenue of the Province has been, that the Executive Government has always, except with regard to appropriations for objects of a local nature, considered itself bound to account for the public money, to the Lords Commissioners of the Treasury in England, and not to this House, nor according to its votes, or even in conformity to the Laws passed by the Provincial Legislature ; and that the accounts and statements laid before this House, from time to time, have never assumed the shape of a regular system of balanced accounts, but have been drawn up one after another, with such alterations and irregularities as it pleased the Administration of the day to introduce into them, from the accounts kept with the Lords of the Treasury, in which the whole public money received was included as well as all the items of expenditure, whether authorized or unauthorized by the Provincial Legislature.

69. *Resolved*, That the pretensions and abuses aforesaid, have taken away from this House even the shadow of control over the Public Revenue of the Province, and have rendered it impossible for it to ascertain at any time the amount of the Revenue collected, the disposable amount of the same, and the sums required for the public service ; and

that the House having, during many years, passed Bills, of which the models are to be found in the Statute Book of Great Britain, to establish a regular system of accountability and responsibility in the department connected with the receipt and expenditure of the Revenue, these Bills have failed in the Legislative Council.

70. *Resolved*, That since the last Session of the Provincial Parliament, the Governor in Chief of this Province and the Members of the Executive Government, relying on the pretensions above mentioned, have without any lawful authority paid large sums out of the Public Revenue, subject to the control of this House; and that the said sums were divided according to their pleasure, and even in contradiction to the votes of this House as incorporated in the Supply Bill passed by it during the last Session and rejected by the Legislative Council.

71. *Resolved*, That this House will hold responsible for all monies which have been or may hereafter be paid, otherwise than under the authority of an Act of the Legislature, or upon an Address of this House, out of the Public Revenue of the Province, all those who may have authorized such payments or participated therein, until the said sums shall have been reimbursed, or a Bill or Bills of Indemnity freely passed by this House shall have become Law.

72. *Resolved*, That the course adopted by this House in the Supply Bill passed during the last Session, of attaching certain conditions to certain votes, for the purpose of preventing the accumulation of incompatible offices in the same persons, and of obtaining the redress of certain abuses and grievances, is wise and constitutional, and has frequently been adopted by the House of Commons, under analogous circumstances; and that if the Commons of England do not now so frequently recur to it, it is because they have happily obtained the entire control of the Revenue of the Nation, and because the respect shewn to their opinions with regard to the redress of grievances and abuses, by the other constituted authorities, has regulated the working of the Constitution in a manner equally

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adapted to give stability to His Majesty's Government, and to protect the interests of the People.

73. *Resolved*, That it was anciently the practice of the House of Commons, to withhold Supplies until grievances were redressed ; and that in following this course in the present conjuncture, we are warranted in our proceedings, as well by the most approved precedents as by the spirit of the Constitution itself.

74. *Resolved*, That if hereafter, when the redress of all grievances and abuses shall have been effected, this House should deem it fit and expedient to grant Supplies, it ought not to do so, otherwise than in the manner mentioned in its fifth and sixth Resolutions of the sixteenth of March, 1833, and by appropriating by its votes, in an especial manner, and in the order in which they are enumerated in the said Resolutions, the full amount of those heads of Revenue, to the right of appropriating which claims have been set up by the Executive Government.

75. *Resolved*, That the number of the Inhabitants of the Country being about 600,000, those of French origin are about 525,000, and those of British or other origin, 75,000 ; and that the establishment of the Civil Government of Lower Canada, for the year 1832, according to the yearly Returns made by the Provincial Administration, for the information of the British Parliament, contained the names of 157 Officers and others receiving Salaries, who are apparently of British or Foreign origin, and the names of 47 who are, apparently, natives of the Country, of French origin ; that this statement does not exhibit the whole disproportion which exists in the distribution of the public money and power, the latter class being for the most part appointed to the inferior and less lucrative offices, and most frequently only obtaining even these, by becoming the dependents of those who hold the higher and more lucrative offices ; that the accumulation of many of the best paid and most influential, and at the same time incompatible offices in the same person, which is forbidden by the laws and by sound policy, exists especially for the benefit of the former class ; and

that two-thirds of the persons included in the last Commission of the Peace issued in the Province, are apparently of British or Foreign origin, and one-third only of French origin.

76. *Resolved*, That this partial and abusive practice of bestowing the great majority of official places in the Province, on those only who are least connected with its permanent interests, and with the mass of its Inhabitants, has been most especially remarkable in the Judicial Department, the Judges for the three great Districts having, with the exception of one only in each, been systematically chosen from that class of persons who, being born out of the Country, are the least versed in its laws, and in the language and usages of the majority of its Inhabitants ; that the result of their intermeddling in the politics of the Country, of their connection with the Members of the Colonial Administrations, and of their prejudices in favor of institutions foreign to and at variance with those of the Country, is that the majority of the said Judges have introduced great irregularity into the general system of our Jurisprudence, by neglecting to ground their decisions on its recognized principles ; and that the claim laid by the said Judges to the power of regulating the forms of legal proceedings, in a manner contrary to the laws and without the interference of the Legislature, has frequently been extended to the fundamental rules of the law and of practice ; and that in consequence of the same system the Administration of the Criminal Law is partial and uncertain, and such as to afford but little protection to the Subject, and has failed to inspire that confidence which ought to be its inseparable companion.

77. *Resolved*, That in consequence of their connection with the Members of the Provincial Administrations, and of their antipathy to the Country, some of the said Judges have, in violation of the laws, attempted to abolish the use in the Courts of Law, of the language spoken by the majority of the Inhabitants of the Country, which is necessary, to the free action of the laws and forms a portion of

the usages guaranteed to them in the most solemn manner by the Law of Nations and by Statutes of the British Parliament.

78. *Resolved*, That some of the said Judges, through partiality for political purposes, and in violation of the Criminal Law of England as established in this Country, of their duty and of their oath, have connived with divers Law Officers of the Crown, acting in the interest of the Provincial Administration, to allow the latter to engross and monopolize all criminal prosecutions of what nature soever, without allowing the private prosecutor to intervene or be heard, or any Advocate to express his opinion as *amicus curiae*, when the Crown Officers opposed it ; that in consequence of this, numerous prosecutions of a political nature have been brought in the Courts of Law by the Crown Officers, against those whose opinions were unfavourable to the Administration for the time being ; while it was impossible for the very numerous class of His Majesty's Subjects to which the latter belonged, to commence with the slightest confidence, any prosecution against those who being protected by the Administration, and having countenanced its acts of violence, had been guilty of crimes or misdemeanors ; that the Tribunals aforesaid have, as far as the persons composing them are concerned, undergone no modification whatever, and inspire the same fears for the future.

79. *Resolved*, That this House, as representing the People of this Province, possesses of right, and has exercised within this Province, when occasion has required it, all the powers, privileges and immunities claimed and possessed by the Commons House of Parliament, in the United Kingdom of Great Britain and Ireland.

80. *Resolved*, That it is one of the undoubted privileges of this House, to send for all persons, papers and records, and to command the attendance of all persons, Civil or Military, resident within the Province, as witnesses, in all investigations which this House may deem it expedient to

institute ; and to require such witnesses to produce all papers and records in their keeping, whenever it shall deem it conducive to the public good to do so.

81. *Resolved*, That as the Grand Inquest of the Province, it is the duty of this House to inquire concerning all grievances, and all circumstances which may endanger the general welfare of the inhabitants of the Province, or be of a nature to excite alarm in them, with regard to their lives, their liberty, or their property, to the end that such representations may be made to our Most Gracious Sovereign, or such Legislative measures introduced, as may lead to the redress of such grievances, or tend to allay such alarm ; and that far from having a right to impede the exercise of these rights and privileges, the Governor in Chief is deputed by his Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the Subject, and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the Prerogatives of the Crown..

82. *Resolved*, That since the commencement of the present Session, a great number of Petitions, relating to the infinite variety of objects connected with the public welfare, have been presented to this House, and many Messages and important communications received by it, both from His Majesty's Government in England, and from His Majesty's Provincial Government; that many Bills have been introduced in this House, and many important inquiries ordered by it, in several of which, the Governor in Chief is personally and deeply implicated ; that the said Petitions from our Constituents, the people of all parts of this Province,—the said communications from His Majesty's Government in England, and from the Provincial Government,—the said Bills already introduced, or in preparation, —the said inquiries commenced and intended to be diligently prosecuted, may and must necessitate the presence of numerous witnesses, the production of numerous papers, the employment of numerous Clerks, Messengers, and

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Assistants, and much printing, and lead to inevitable and daily disbursements, forming the contingent expenses of this House.

83. *Resolved*, That from the year 1792 to the present, advances had constantly been made to meet these expenses, on Addresses similar to that presented this year by this House, to the Governor in Chief, according to the practice adopted by the House of Commons; that an Address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of a sum exceeding £277,000, has been advanced on such votes by the Predecessors of His Excellency the Governor in Chief, and by himself, (as he acknowledges by his Message of the eighteenth of January, 1834,) without any risk having been incurred by any other Governor on account of any such advance, although several of them have had differences, attended by violence and injustice on *their* part, with the House of Assembly, and without their apprehending that the then next Parliament would not be disposed to make good the engagements of the House of Assembly for the time being: and that this refusal of the Governor in Chief, in the present instance, essentially impedes the despatch of the business for which the Parliament was called together, is derogatory to the rights and honor of this House, and forms another grievance for which the present Administration of this Province is responsible.

84. *Resolved*, That besides the grievances and abuses beforementioned, there exist in this Province a great number of others (a part of which existed before the commencement of the present Administration, which has maintained them and is the author of a portion of them,) with regard to which this House reserves to itself the right of complaining and demanding reparation, and the number of which is too great to allow of their being enumerated here: that this House points out, as among that number:—

1st. The vicious composition and the irresponsibility of the Executive Council, the Members of which are at the

same time Judges of the Court of Appeals; and the secrecy with which not only the functions, but even the names of the Members of that body have been kept from the knowledge of this House, when inquiries have been instituted by it on the subject.

2ndly. The exorbitant fees illegally exacted in certain of the public offices, and in others connected with the Judicial Department, under regulations made by the Executive Council, by the Judges, and by other functionaries usurping the powers of the Legislature.

3rdly. The practice of illegally calling upon the Judges to give their opinions secretly on questions which may afterwards be publicly and contradictorily argued before them; and the opinions themselves so given by the said Judges, as political partizans, in opposition to the Law, but in favor of the Administration for the time being.

4thly. The cumulation of public places and offices in the same persons, and the efforts made by a number of families connected with the Administration, to perpetuate this state of things for their own advantage, and for the sake of domineering for ever, with interested views and in the spirit of party, over the People and their Representatives.

5thly. The intermeddling of Members of the Legislative Council in the Elections of the Representatives of the People, for the purpose of influencing and controlling them by force; and the selection frequently made of Returning Officers for the purpose of securing the same partial and corrupt ends;—the interference of the present Governor in Chief himself in the said Elections; his approval of the intermeddling of the said Legislative Councillors in the said Elections; the partiality with which he intervened in the Judicial proceedings connected with the said Elections, for the purpose of influencing the said proceedings in a manner favorable to the Military Power, and contrary to the independence of the Judicial Power; and the applause which, as Commander of the Forces, he bestowed upon the sanguinary execution of the citizens by the soldiery.

6thly. The interference of the armed Military force at such Elections, through which three peaceable citizens, whose exertions were necessary to the support of their families, and who were strangers to the agitation of the Election, were shot dead in the streets: the applause bestowed by the Governor in Chief and Commander of the Forces on the authors of this sanguinary military execution (who had not been acquitted by a petty jury) for the firmness and discipline displayed by them on that occasion.

7thly. The various faulty and partial systems which have been followed ever since the passing of the Constitutional Act, with regard to the waste lands in this Province, and have rendered it impossible for the great majority of the people of the country to settle on the said lands; the fraudulent and illegal manner in which, contrary to his Majesty's instructions, Governors, Legislative and Executive Councillors, Judges, and subordinate officers have appropriated to themselves large tracts of the said lands; the monopoly of an extensive portion of the said lands in the hands of speculators residing in England, with which the Province is now threatened; and the alarm generally felt therein with regard to the alleged participation of His Majesty's Government in this scheme, without its having deigned to re-assure His faithful subjects on this head, or to reply to the humble Address to His Majesty, adopted by this House during the last Session.

8thly. The increase of the Expenses of the Government without the authority of the Legislature, and the disproportion of the salaries paid to public functionaries, to the services performed by them, to the rent of real property, and to the ordinary income commanded by the exertions of persons possessing talent, industry, and economy equal to, or greater than, those of the said functionaries.

9thly. The want of all recourse in the Courts of Law on the part of those who have just and legal claims on the Government.

10thly. The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the neglect of the Colonial Office to consider such Bills, a great number of which have never been sent back to the Province, and some of which have even been returned so late, that doubts may be entertained as to the validity of the sanction given to them—a circumstance which has introduced irregularity and uncertainty into the Legislation of the Province, and is felt by this House as an impediment to the re-introduction of the Bills reserved during the then preceding Session.

11thly. The neglect on the part of the Colonial Office to give any answer to certain addresses transmitted by this House on important subjects ; the practice followed by the Administration, of communicating in an incomplete manner, and by extracts, and frequently without giving their dates, the Despatches received from time to time, on subjects which have engaged the attention of this House ; and the too frequent references to the opinion of His Majesty's Ministers in England, on the part of the Provincial Administration, upon points which it is in their power and within their province to decide.

12thly. The unjust retention of the College at Quebec, which forms part of the Estates of the late Order of Jesuits, and which from a College, has been transformed into a Barrack for Soldiers ; the renewal of the lease of a considerable portion of the same Estates, by the Provincial Executive, in favor of a Member of the Legislative Council, since those Estates were returned to the Legislature, and in opposition to the prayer of this House, and to the known wishes of a great number of His Majesty's Subjects to obtain lands there and to settle on them ; and the refusal of the said Executive to communicate the said lease, and other information on the subject, to this House.

13thly. The obstacles unjustly opposed by an Executive friendly to abuses and to ignorance, to the establishment of Colleges endowed by virtuous and disinterested men, for

the purpose of meeting the growing desire of the People for the careful education of their Children.

14thly. The refusal of justice with regard to the accusations brought by this House, in the name of the People, against Judges, for flagrant acts of malversation, and for ignorance and violation of the Law.

15thly. The refusals on the part of the Governors, and more especially of the present Governor in Chief, to communicate to this House the information asked for by it, from time to time, and which it had a right to obtain, on a great number of subjects connected with the public business of the Province.

16thly. The refusal of His Majesty's Government to reimburse to the Province, the amount for which the late Receiver General was a defaulter, and its neglect to enforce the recourse which the Province was entitled to against the property and person of the said late Receiver General.

85. *Resolved*, That the facts mentioned in the foregoing Resolutions, demonstrate that the Laws and Constitution of the Province have not, at any period, been administered in a manner more contrary to the interests of His Majesty's Government, and to the rights of the people of this Province, than under the present Administration, and render it necessary that His Excellency, Matthew Lord Aylmer of Balrath, the present Governor in Chief of this Province, be formally accused by this House, of having, while acting as Governor, in contradiction to the wishes of the Imperial Parliament, and to the instructions he may have received, and against the honor and dignity of the Crown, and the rights and privileges of this House and the People whom it represents, so recomposed the Legislative Council, as to augment the dissensions which rend this Colony ; of having seriously impeded the labors of this House, acting as the grand inquest of the Country ; of having disposed of the Public Revenue of the Province, against the consent of the Representatives of the people, and in violation of the Law and Constitution ; of having maintained existing abuses,

and created new ones ; of having refused to sign a Writ for the Election of a Representative to fill a vacancy which had happened in this House, and to complete the number of Representatives established by law for this Province ; and that this House expects from the honor, patriotism and justice of the Reformed Parliament of the United Kingdom, that the Commons of the said Parliament will bring Impeachments, and will support such Impeachments before the House of Lords, against the said Matthew Lord Aylmer, for his illegal, unjust and unconstitutional Administration of the Government of this Province ; and against such of the wicked and perverse advisers who have misled him, as this House may hereafter accuse, if there be no means of obtaining justice against them in the Province, or at the hands of His Majesty's Executive Government in England.

86. *Resolved*, That this House hopes and believes, that the independent Members of both Houses of the Parliament of the United Kingdom, will be disposed, both from inclination and a sense of duty, to support the accusations brought by this House, to watch over the preservation of its rights and privileges, which have been so frequently and violently attacked, more especially by the present Administration, and so to act, that the people of this Province may not be forced by oppression to regret their dependence on the British Empire, and to seek elsewhere a remedy for their afflictions.

87. *Resolved*, That this House learned with gratitude, that Daniel O'Connell, Esquire, had given notice in the House of Commons, in July last, that during the present Session of the Imperial Parliament, he would call its attention to the necessity of reforming the Legislative and Executive Councils in the two Canadas ; and that the interest thus shown for our own fate by him whom the gratitude and blessings of his countrymen have, with the applause of the whole civilized world, proclaimed Great and Liberator, and of whom our fellow countrymen entertain corresponding sentiments, keeps alive in us the

hope, that through the goodness of our cause, and the services of such a friend, the British Parliament will not permit a Minister, deceived by the interested representations of the Provincial Administration, and its creatures and tools, (as there is reason, from his Despatches, to apprehend that he may attempt to do) the highest degree of oppression, in favor of a system which in better times he characterized as faulty, and against Subjects of His Majesty who are apparently only known to him by the great patience with which they have waited in vain for promised reforms.

88. *Resolved*, That this House has the same confidence in Joseph Hume, Esquire, and feels the same gratitude for the anxiety which he has repeatedly shewn for the good Government of these Colonies, and the amelioration of their laws and constitutions, and calls upon the said Daniel O'Connell and Joseph Hume, Esquires, whose constant devotedness was, even under a Tory Ministry, and before the Reform of Parliament, partially successful in the emancipation of Ireland, from the same bondage, and the same political inferiority with which the communications received from the Colonial Secretary during the present Session, menace the People of Lower Canada, to use their efforts that the Laws and Constitution of this Province may be amended in the manner demanded by the people thereof; that the abuses and grievances of which the latter have to complain, may be fully and entirely redressed; and that the Laws and Constitution may be hereafter administered in a manner consonant with justice, with the honor of the Crown, and of the people of England, and with the rights, liberties and privileges of the people of this Province, and of this House by which they are represented.

89. *Resolved*, That this House invites the Members of the minority of the Legislative Council who partake the opinions of the people, the present Members of the House of Assembly until the next General Election, and

afterwards all the Members then elected, and such other persons as they may associate with them, to form one Committee or two Committees of Correspondence, to sit at Quebec and Montreal in the first instance, and afterwards at such place as they shall think proper; the said Committees to communicate with each other and with the several local Committees which may be formed in different parts of the Province, and to enter into correspondence with the Honorable Denis Benjamin Viger, the Agent of this Province in England, with the said Daniel O'Connell and Joseph Hume, Esquires, and with such other Members of the House of Lords, or the House of Commons, and such other persons in the United Kingdom of Great Britain and Ireland, as they may deem expedient, for the purpose of supporting the claims of the people of this Province, and of this House; of furnishing such information, documents, and opinions as they may think adapted to make known the state, wishes and wants of the Province: the said Committees also to correspond with such persons as they shall think proper, in the other British Colonies, which are all interested that the most populous of their sister Colonies do not sink under the violent attempt to perpetuate the abuses and evils which result as well from the vices of its Constitution as from the combined malversation of the Administrative, Legislative and Judicial Departments, out of which have sprung insult and oppression for the people,—and by a necessary consequence, hatred and contempt on their part for the Provincial Government.

90. *Resolved*, That the Honorable Denis Benjamin Viger be requested to remain at the seat of His Majesty's Government, at least during the present Session of the Imperial Parliament, to continue to watch over the interests of the Province, with the same zeal and the same devotedness as heretofore, without suffering himself to be discouraged by mere formal objections on the part of those who are unwilling to listen to the complaints of the country.

91. *Resolved*, That the fair and reasonable expenses of the said two Committees of Correspondence, incurred by them in the performance of the duties entrusted to them by this House, are a debt which it contracts towards them; and that the Representatives of the People are bound in honor to use all constitutional means to reimburse such expenses to the said Committees, or to such persons as may advance money to them for the purposes above mentioned.

92. *Resolved*, That the Message from His Excellency the Governor in Chief, received on the thirteenth of January last, and relating to the Writ of Election for the County of Montreal, with the extract from a Despatch which accompanied it; the Message from the same, received the same day, and relating to the Supply Bill, and the Message from the same, received on the fourteenth of January last, with the extract from a Despatch which accompanied it, be expunged from the Journals of this House.

Attest,

W. B. LINDSAY

Clk. Assembly.

[Extract from the Journals.]

Mr. *Bedard* moved, seconded by Mr. *Morin*, That four hundred Copies of the said Resolutions in the French Language, and four hundred Copies in the English Language, as passed by this House, be printed for the use of the Members of this House.

The House divided on the Question:

Years.

Tous,
Messieurs Amiot, Archambeault, Bedard, Bertrand, Bes-
serer, Blanchard, Boissonnault, Bouffard, Bourdages, Bu-
reau, Careau, Cazeau, Courteau, Child, De Bleury, Déligny,

Deschamps, De Tonnancour, De Witt, Dionne, Jacques Dorion, Pierre Antoine Dorion, Drolet, Fortin, Girouard, Guillet, Godbout, Huot, Kimber, Lafontaine, Larue, Leslie, Létourneau, Masson, Méthot, Morin, Mousseau, Noël, Poulin, Proulx, Raymond, Rivard, Rocbrune, Rochon, Rodier, Scott, Simon, Antoine Charles Taschereau, Pierre Elzéar Taschereau, Tessier, Toomy, Trudel, Turgeon, Valois, Vanfelson and Viger. (56.)

Nays,

Messieurs Anderson, Baker, Berthelet, Caldwell, Casgrain, Cuvillier, Davis, Duval, Goodhue, Gugy, Hoyle, Knowlton, Languedoc, Le Boutillier, Lemay, Neilson, Power, Quesnel, Stuart, Taylor, Wood, Wright, Wurtele and Young. (24.)

So it was carried in the Affirmative, and
Ordered, Accordingly.

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n, Girouard,
arue, Leslie,
seau, Noël,
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reau, Pierre
eon, Valois,

dwell, Cas-
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t, Wurtele

[*Lord Aylmer's Despatch of the 5th of March,
1834, addressed to the Right Honorable Mr.
Stanley.]*

QUEBEC, 5th March, 1834.

SIR,

IN my Despatches of the 13th of January (No. 2.), and of the 22d of the same month (No. 3), I had the honor of reporting to you the opening of the Session of the Provincial Parliament of Lower Canada, on the 7th of January, and the failure of Mr. Bourdages' attempt to prevent the House of Assembly from proceeding to business, by reviving their Resolutions of last Session, to hold no further intercourse with me, in consequence of my refusal to sign a Writ for the Election of a Member of the House of Assembly, in place of the Hon. Dominique Mondelet, who had been deprived of his seat on the authority of a Resolution of the House, for having accepted the Office of Executive Councillor.

Immediately upon receiving the Address of the House of Assembly in answer to my opening Speech, I sent down (on the 13th of January,) two Messages, one relating to the financial difficulties of the Local Government, and another communicating the views of His Majesty's Government regarding the case of Mr. Mondelet; and on the following day (the 14th of January,) I sent down another Message to the House of Assembly, conveying the answer of His Majesty's Government to the Address of the House (transmitted towards the close of last Session), upon the subject of the Legislative Council. Copies of the three Messages above-mentioned will be found amongst the accompanying Documents.

Instead of proceeding at once to the consideration of the financial difficulties of the Local Government, which, in obedience to the instructions received by me, had been so urgently pressed upon their early attention, a Call of the House was ordered for a distant day (the 15th of February), for the purpose of taking the state of the Province into consideration. This proceeding appeared the more remarkable from the circumstance of a very considerable number of the Members being present in their places—very few, in fact, were absent when the Call of the House was ordered.

This delay in entering upon the consideration of a subject to which so much interest was attached by His Majesty's Government, and which, in fact, was of vital importance, was not calculated to create very sanguine expectations as to the disposition of the House of Assembly to relieve the financial difficulties of the Local Government—it inspired me, on the contrary, with serious apprehensions for the result, which were not a little increased when, not many days afterwards, an address was presented to me from the House of Assembly, praying for the issue of my warrant for seven thousand pounds on account, towards defraying their contingent expenses.

This eagerness to provide for their own wants, whilst the consideration even of those of the Government was deferred to a distant day, excited in my mind (I must confess) sinister suspicions as to the ultimate intentions of the House. I decided, therefore, to decline incurring any further responsibility in making the advance applied for; and without entering into the whole of my motives for doing so in my answer to their address, I assigned such as appeared to me sufficient to justify my refusal; these will be found stated in my Message in answer to the Address of the House of Assembly, to which I take leave to call your particular attention, as well as to the Report of the Committee to which it was referred, because of the importance which has been attached to this subject by the House

of Assembly in the ninety-two Resolutions subsequently adopted by them.

To have made a large advance by means of an accountable warrant to relieve the House of Assembly from the pressure of engagements entered into for their own purposes, at a moment when the Officers of Government were labouring under the most serious embarrassments, and some of them almost in a state of destitution, for want of the salaries to which they are justly entitled in remuneration of their services, appeared to me to be an act which would have justly exposed me to the reproach of having sacrificed their interests to an unmerited compliance with the wishes of the House of Assembly.

But this is not all. The House of Assembly had during the last Session, received upon their addresses nearly the whole amount of the estimate of their contingent expenses for the year ending in October 1833, which estimate, it is to be observed, is included in the General Estimate of the expenses of the Civil Government, and the Administration of Justice for that year still remaining to be provided for by Legislative Enactments; and it appears, moreover, by an Official Statement of the Contingent Expenses of the Assembly, published towards the close of last year, that the House had contracted engagements, or incurred expenses to nearly the amount of the advance (seven thousand pounds) above referred to, which Statement included salaries and allowances not recognized by legal enactments, and which, therefore, could not have been admitted in any issue made to the House; so that even supposing I could have felt justified in waiving the objections stated in my answer to their Address, and the other objections arising out of my regard for the interests of the public officers as above stated, I must have fallen at once into another difficulty, caused by the Items of Illegal Salaries and Appointments included in the Statement of the Expenses of the House, unless (which my experience of the

House of Assembly could hardly justify me in anticipating) they could have been induced to forego the right they have assumed to create offices, and to assign salaries and appointments upon their own single authority.

Such were the circumstances under which I felt bound to withhold my warrant for the issue of seven thousand pounds on the application of the House of Assembly. Their own Committee in their Report (of which a copy is herewith transmitted,) have clearly pointed out the course by which the House might, at least, have attempted the removal of my objections to a compliance with their wishes ; but, instead of adopting that course, the House have preferred adding this to the mass of complaints contained in their ninety-two Resolutions, which I shall have occasion to notice presently.

In obedience to the Order for the Call of the House, the names of the Members were called over on the 15th ultimo ; three only were found absent, and those who answered to their names amounted to eighty-three. Little business was done for some days, during which a long set of Resolutions were in preparation, which were on the 18th ultimo, to the number of ninety-two, laid upon the Table of the House : on the 19th the House in Committee proceeded to the consideration of the Resolutions, when it was moved by Mr. Neilson to substitute others in place of them, his motion was lost, however, by a large majority. The whole of the ninety-two Resolutions have been since passed in a Committee of the whole House, concurred in by the House without amendment, and referred to a Committee, with instructions to draft an Address upon them, to the three branches of the Imperial Parliament.

The division upon the question of Concurrence in the House, was 56 for, and 24 against the Resolutions.

It is a circumstance deserving notice, that Messrs. Neilson and Cuvillier, two of the three Members (the third the Hon. D. B. Viger, now a Legislative Councillor, is absent

from the Province), deputed to England in 1828 to support the petitions addressed to the Imperial Parliament by the people of this Province, voted with the minority.

I have now the honor of transmitting a copy of these ninety-two Resolutions; but before I proceed to offer any observations upon them, I cannot avoid pointing out to your notice the extraordinary change which has taken place in the sentiments and views of the House of Assembly of Lower Canada within the last few years, as more particularly appears by their Resolutions upon the Dispatch of Viscount Goderich, of the 7th of July 1831, a copy of which Resolutions, dated 24th of November 1831, is herewith transmitted, commencing with the following words:—Resolved, “That this House views with sentiments of gratitude the gracious expressions of His Majesty’s paternal regard for the welfare and happiness of His Subjects in this Province, and the proofs of a just and liberal policy towards them, contained in the Dispatch of His Majesty’s Principal Secretary of State for the Colonial Department, dated the 7th of July last,” &c.

The whole tenor of the ninety-two Resolutions now transmitted, is, unhappily, not only at variance with the Resolutions above referred to, but is calculated to excite at a distance the most lively apprehensions for the tranquillity of the Province, which I am eager to anticipate, with the assurance that no just grounds exist for entertaining any such apprehensions.

When a grave and deliberative body like the House of Assembly, representing a population exceeding half a million of persons, expresses its hatred of the order of things to which it owes its political existence, and of the Authorities entrusted with the management of its affairs, in violent and vituperative language, which would hardly be recorded in the proceedings of a tumultuous, popular meeting, acting under the influence of highly excited feelings, it will very naturally be inferred that the whole population of the Province must be in a most alarming state of agitation, and that the language of the House of Assembly

is but an echo of the sentiments of the people, loudly and vehemently expressed from one end of the Country to the other.

It affords me great satisfaction, however, to be able to assure you that the very reverse of this is the fact. The People of the Province are everywhere perfectly tranquil, and I have no knowledge of any Public Meetings having taken place in connexion with the proceedings of the House of Assembly, although efforts have not been wanting to accomplish that object.

The vehemence of feeling which breathes throughout the ninety-two Resolutions of the House of Assembly, is confined to the walls of that Assembly, and to a very limited number of individuals in certain parts of the Country.

The main object which the House of Assembly appear to have in view, is to get rid of the Constitution granted to this Province by the wisdom of the British Parliament, in the year 1791, in order to be at liberty to undertake the search after some other form of Government, better suited, as they pretend, to the wishes, manners, and social habits of the people.

It would, I apprehend, be foreign to my duty as the King's Servant, deputed by His Majesty to administer the Government of this Province according to the Laws now in force, to follow the House of Assembly beyond the limits of the Constitution; but it is necessary that I should notice the salient points of their Resolutions, in so far as they affect the Local Administration of the Province, for the purpose of furnishing such facts and explanations as may be necessary to lead to a just estimate of the Statements they contain. These points may be classed under eleven heads, which shall be considered separately as follows:—

1. The Legislative Council.
2. The Executive Council.
3. The Waste Lands of the Crown.
4. The Case of Mr. Mondelet.
5. The interference of the Military Force at Elections.

6. The Canada Tenures Act.
7. Control of the Revenue.
8. Withholding Public Documents by the Executive during the present Session.
9. Payments made by the Executive without lawful authority.
10. Contingent Expenses of the House of Assembly.
11. Misconduct of Public Officers.

1. The Legislative Council.

Since the date of the Report of the Committee of the House of Commons upon the affairs of the Canadas, the recommendations of which Committee have, until a late period, been constantly invoked by the House of Assembly of Lower Canada, as containing remedies for the various evils of which they complain, and amongst others the composition of the Legislative and Executive Councils, the former of these bodies (the Legislative Council) has undergone important changes, all tending to render it more and more independent of the Crown than it was at the period above referred to. This fact is fully established by the following Statement.

Two Legislative Counsellors, Puisne Judges of the Court of King's Bench for the District of Quebec (Messrs. Kerr and Bowen) have abstained from sitting and voting in the Legislative Council on being informed of the determination of His Majesty not to appoint Puisne Judges to be Legislative Counsellors in future.

The following additions have been made to the Legislative Council subsequent to the period above referred to, namely,

Messrs. the Honorable

1. S. Hatt,
2. D. B. Viger,*
3. Louis Guy,*
4. George Moffat, } Appointed during the Administra-
tion of Sir James Kempt.

1. R. de St. Ours,*
2. Peter M'Gill,
3. John Molson,
4. M. P. de Sales Larterrièrè,*
5. F. X. Malhiot,*
6. J. Dessaulles,*
7. B. Joliette,*
8. P. de Rocheblaue,*
9. R. Harwood,
10. A. Couillard,*
11. Horatio Gates,
12. R. Jones,
13. J. Baxter,
14. Francis Quirouet,*

Appointed during the Administration of Lord Aylmer.

In all eighteen, of whom ten (their names are marked by an asterisk,) are of French origin, or as they are usually styled in this Province (unhappily, I think, as tending to keep up national distinction,) French Canadians, to distinguish them from Canadians of a different origin.

Not one of those eighteen gentlemen holds office, or is in any way connected with or dependent upon the Government of the Province.

The actual state of the Legislative Council is as follows:—It consists of thirty-five Members, taken from the most opulent and respectable classes of society of various origin, in different parts of the Province, of whom seven only hold office, including their Speaker (the Chief Justice of the Province,) and the Lord Bishop of Quebec, who is rarely present at the deliberations of the Council.

It would be difficult, perhaps, to find in any British Colony a Legislative Body more independent of the Crown than the Legislative Council of Lower Canada; and so far am I from possessing, as the King's Representative, any influence there, that I will not conceal, that I have on more than one occasion regretted the course adopted by the Council. But whilst I make this confession, I will not deny but I have, on the contrary, much satisfaction in avowing, that I repose great confidence in that branch of

the Colonial Legislature ;—it is a confidence derived from my knowledge of the upright, independent, and honorable character of the great majority of those who compose it, and of their firm and unalterable attachment to His Majesty's Person and Government, and to the Constitution of the Colony as by Law established.

My sentiments regarding the present Legislative Council are not of recent date, or displayed now to serve the purpose of the moment—they are already recorded more fully in my Dispatch of the 27th of March 1833, upon the Address of the House of Assembly to His Majesty of the 20th of March 1833, to render the Legislative Council elective, or to do away with it altogether ; and to that Dispatch I now take the liberty of referring.

2. *The Executive Council.*

In enumerating the changes which have taken place in the Executive Council, I will refer, as in the case of the Legislative Council, to the date of the Report of the Committee of the House of Commons on the affairs of Canada.

The following are the changes alluded to, as having occurred subsequent to that period.

The Chief Justice of the Province (Chairman)	Resigned.
The Hon. Mr. Hale, Receiver-General of the Province,	
The Hon. Mr. Justice Kerr, Puisne Judge of the Court of Kings' Bench for the District of Quebec, and Judge Surrogate of the Court of Vice Admiralty,	Withdrawn.

The appointments, and recommendations for appointments, subsequent to the period above referred to, are as follows ; namely,

1. L. J. Papineau, Speaker of the House of Assembly, 2. J. Neilson, 3. P. Panet, 4. Dom. Mondelet, 5. Hugues Heney,	}	Recommended during the Administration of Lord Aylmer.
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Of the above-named Gentlemen, Messrs. Papineau and Neilson, for reasons assigned by them, respectfully declined the honor intended by His Majesty, of appointing them to be Members of the Executive Council.

The Hon. P. Panet took his seat, and assisted at the deliberations of the Executive Council, until removed to the Bench, as a Puisne Judge for the District of Quebec.

The Hon. Mr. Mondelet is now an Executive Councillor, and has been deprived of his seat as a Member of the House of Assembly, by a Resolution of the House, in consequence of his acceptance of that office.

And the Hon. Mr. Heney, now an Executive Councillor, is also a Law Clerk of the House of Assembly.

Four of the five Gentlemen above-named are of French origin, and it is a circumstance worthy of notice with reference to the complaints of the House of Assembly, of the "vicious composition" (as they allege) of the Executive Council, that these Gentlemen were all Members of the House of Assembly, and all belonged to what is termed the popular or Canadian Party in that House.

I have already, in the several communications which I have had the honor of addressing to the Secretary of State for the Colonial Department of the following dates, 15th July 1831, No. 61—5th May 1832, No. 39—and 13th December 1832, No. 103 (and to which I now take the liberty to refer), taken occasion to remark upon the functions of the Executive Council, and upon the difficulty of obtaining the services of competent persons as Members of it, if the principle of excluding those holding other offices is to be acted upon; and I will, therefore, only observe generally upon the present occasion that it appears to me highly

desirable that the Executive Council should be divested of its functions as a Court of Appeals; but that it should still continue to be a Board of Final Audit of Public Accounts, assisted by a subordinate Board of Audit, the establishment of which would render the two distinct, and often conflicting, officers of Inspector-General and Auditor-General of Accounts no longer necessary.

This subject has been already under the consideration of the Provincial Legislature, in furtherance of the recommendation of Viscount Goderich, communicated in his Lordship's Despatch of the 1st of December 1830, and Bills have passed the House of Assembly in each of the three last Sessions, for the establishment of a Board of Audit; but having been amended by the Legislative Council, these Bills have been ultimately lost, in consequence of the interference of the House of Assembly with the prerogative of the Crown, in naming in the body of the Bills the individuals (selected by the House) to compose the Board, providing for their holding office during good behaviour, and for their removal from office on the single address of the House of Assembly.

3. *The Waste Lands of the Crown.*

The "fraudulent and illegal manner" in which the waste lands of the Crown are asserted by the House of Assembly to have been disposed of, appears to have no reference to dates; so that probably the charge embraces a long series of years, and certainly cannot be made to apply to the present time, since the Governor of the Province has not the power, such at least has been the rule ever since I have administered the Government of it, to grant a single acre of the Crown lands without the authority of the Secretary of State, previously obtained, or under regulations sanctioned by His Majesty's Government. As to the complaints of the House of Assembly, with reference to the establishment of a Land Company in England, and the

transfer to that Company of an extensive portion of those lands, I have only this observation to offer, that the right of the Crown to the disposal of the waste lands of the Province, is a right acquired by conquest, and confirmed by treaties.

4. The Case of Mr. Mondelet.

The alleged interference of the Executive Government of the Province with the privileges of the House of Assembly, during the last Session, in the case of Mr. Mondelet. This subject of complaint having been disposed of by His Majesty's Government, I will only here take the liberty of referring to the dates of my several Despatches in relation to it, which, with their accompanying documents, will be found to contain ample information on that subject, as follows: November 29th, 1832, No. 100; December 27th, 1832, No. 105; March 20th, 1833, No. 27.

5. The Interference of the Military Force at Elections.

The interference of the military force at elections, by which I apprehend is meant the employment of the military force, under the directions of the civil authorities in the suppression of a riot, which took place at Montreal, in the month of May 1832, at the time when an election was going forward of a Representative for the West Ward of that City.

This, as well as the foregoing subject of complaint, on the part of the House of Assembly, having been already disposed of by His Majesty's Government, it will perhaps be sufficient merely to refer to the dates of my several Despatches in relation to it, as follows; namely, 31st May 1832, No. 43; 6th June 1832, No. 46; 7th June 1832, separate; 7th September 1832, No. 76; 24th September 1832, No. 82.

It is, however, worthy of remark, that the House of Assembly has been engaged in a most laborious investigation

of this subject during the whole of the last and present Sessions: and it is generally supposed that few, if any, witnesses have even yet been examined in discrediting of the parties implicated by the House; at all events, it is certain that the Committee of the whole House, which has been so engaged, have not yet made their report, and yet the subject of this solemn inquiry, still pending, is described in the Resolutions of the House of Assembly as "a sanguinary execution of the citizens by the soldiery."

6. The Canada Tenures Act.

It must be taken for granted that this subject was well and duly considered by His Majesty's Government before recommending it to the consideration of the Imperial Parliament. I will therefore only take the liberty of observing that, having been now for a considerable time in operation, the effects of the Tenures Act have become interwoven to a degree which must unavoidably increase every day with the concerns of the inhabitants of the Province in relation to their property; and that the observance of extreme caution will therefore be necessary in making any attempt to alter or modify its provisions.

7. Control of the Revenue.

I have only to remark, under this head, that the House of Assembly assert a right to control the whole of the revenue raised in the Province, without excepting the produce of the sales of the Crown lands, and of licences to cut timber.

8. Withholding Public Documents by the Executive during the present Session.

Amongst the accompanying Documents will be found a statement of the substances of Addresses of the House of Assembly, and of any answers presented to me since the

commencement of the present Session, praying for information upon various subjects of local interest. They are 25 in number, to all of which favorable answers have been returned, excepting four instances, in which, for reasons which I am prepared to state if necessary, the information sought for was denied. But I must positively deny the truth of the assertion of the House of Assembly, that I have refused to interfere in cases where public officers have withheld (as they allege,) information when required to furnish it. The opportunity of doing so has never been afforded me, since I have no knowledge through the means of any regular and Parliamentary communication of any such information having been withheld; nor do I believe it has been in fact withheld, but that, on the contrary, the public officers examined before the Committees of the House of Assembly have shown the greatest readiness, as in duty bound, to furnish the desired information. Some (as I have been told) have very properly declined divesting themselves, without authority from the Executive Government, of the public documents in their charge, produced for the inspection of the Committees of the House of Assembly, for the purpose of leaving them in the hands of those Committees; and it is very obvious, that if the practice, which the House of Assembly appears desirous of establishing, were to obtain, a large portion of the public documents of the Province would be transferred during an entire Session to the Committee-rooms of the House of Assembly, to the great interruption of the ordinary business of the Departments concerned, to say nothing of the risk of loss or damage to the documents themselves whilst in possession of the Committees.

9. *Payments made by the Executive without lawful Authority.*

It is asserted by the House of Assembly, in their seventieth Resolution, that since the last Session of the Provin-

cial Parliament, the Governor-in-Chief of the Province and the Members of the Executive Government have, without any lawful authority, paid large sums out of the Public Revenue, subject to the control of the House.

The payments here alluded to, are evidently those which have been made during the last year, of part of the salaries of public officers, and on account of other public services, in pursuance of the instructions of His Majesty's Government, and under the authority of the existing laws of the Province; no other payments have been made out of the public funds, excepting one connected with the public health, which has been sanctioned without hesitation by the House of Assembly during the present Session.

10. Contingent Expenses of the House of Assembly.

An application for the issue of a warrant for 7,000*l.* during the present Session, towards defraying the contingent expenses of the House of Assembly, refused by the Governor. This subject has been noticed in the foregoing part of this despatch, to which it more properly belongs.

11. Misconduct of Public Officers.

The misconduct of public officers in the discharge of their duty. The wholesale assertions (if I may be permitted to use the expression) of the House of Assembly, imputing corrupt motives, and misconduct in the discharge of their duty, to persons in authority in the province, can only be met, in their present shape, by a general and unqualified contradiction.

I have already noticed the communications made to the House of Assembly, in pursuance of your instructions; first, in my speech at the opening of the Session, and afterwards by message, regarding the financial difficulties of the Local Government, caused by the failure of the Supply Bill of last year. It is with much regret that I have now

further to report that, for the result of these communications, I have only to refer to the 92nd resolution of the House of Assembly, which directs that my message of the 13th of January, relating to the Supply Bill (along with others therein mentioned), shall be expunged from their journals.

This matter having been thus unceremoniously disposed of by the House of Assembly, it now devolves upon His Majesty's Government to provide for the exigencies of the public service in this province.

The accompanying memoranda, in which all details that appeared to be unnecessary have been avoided, will, I hope, be found to contain sufficient information for that purpose.

I cannot here avoid most earnestly to solicit the early attention of His Majesty's Government to this important subject; for our daily increasing difficulties are such as to excite lively apprehensions for the very existence of the King's Government in the province, from the want of means to carry on its ordinary operations.

The salaries of some of the public officers are now ten months, and of others thirteen months, in arrear. To alleviate in some degree their distress, arising from this unprecedented circumstance, I purpose making a similar advance to that authorized by your despatch of the 6th of June, 1833, No. 13, to be charged upon the same funds, being those which are at the disposal of the Crown towards defraying the expenses of the civil government and the administration of justice. But this can only prove a temporary relief: and unless speedily followed by the payment of the balance due on account of their salaries, will not effectually relieve the distresses of the public officers.

Without entering further than has been already done incidentally, in the foregoing part of this despatch, into the various subjects of complaint against myself, interspersed throughout the 92 Resolutions of the House of Assembly, I think it necessary to make one brief remark in relation to the 85th resolution, wherein the House of Commons is

called upon to bring and to support impeachments against me before the House of Lords, which is this: that, whenever called upon by competent authority, I shall be found prepared to defend my administration of the government of this province, at all points and upon the shortest notice, against any specific and intelligible charges that may be brought against it.

But I hasten to quit this subject, for the guilt or innocence of an individual is of little importance compared with the great interests of the province now at stake; and I take leave most anxiously and earnestly to beseech His Majesty's Government to consider, that to whatever causes the present state of Lower Canada may be truly ascribed, whether to vices in the administration of its affairs past and present, to the disappointed ambition of factious and evil designing men, or to other causes inherent in the structure of its society, this at least is certain, that the affairs of this noble province have been brought into such a condition, that unless the Imperial Parliament can be induced to interpose its supreme authority in relieving the Local Government from the difficulties with which it is encompassed, and in providing against the recurrence of them hereafter, the authority of the King's Government in the province must be virtually extinguished, and the institutions of the country set adrift under the guidance of those heads in which the 92 resolutions of the House of Assembly were engendered.

The disrespectful reception given to His Majesty's gracious communications, by the existing House of Assembly on various occasions, has not escaped the notice or the animadversions of His Majesty's Government, and the same marked disrespect is to be traced in certain proceedings of that assembly regarding myself; these certainly would have drawn from me appropriate remarks in my communications to the House of Assembly, had I not been withheld by important considerations arising out of the peculiar circumstances of the colony.

The true character of the dominant party in the House of Assembly has long been known to me, and I have always been thoroughly persuaded that it was only by suffering that party to pursue, without interruption, the headlong career upon which they had entered, that their schemes would be fully developed and made apparent to the public; time and patience alone were wanting to bring about this desirable result, which at length has been accomplished through the means of their own acts. The party which has so long governed the House of Assembly may now be seen by all in their true colours. In their 92 resolutions, and the Addresses of the House of Assembly, founded upon those resolutions, they have traced their own portrait, which is now held up by themselves to the view of His Majesty and the Imperial Parliament. This is enough; one single touch by another hand might injure the resemblance.

I have, &c.

(signed) AYLMER.

P. S.—I take the liberty of calling to your recollection, that the present Parliament of Lower Canada, which was convened in the month of October, 1830, upon the demise of His late Majesty, will expire, under the provisions of the Constitutional Act of 1791, in the month of October next.

(signed) A.

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[*Message to the House of Assembly, relative to the failure
of the Supply Bill of last year.*]

The Governor in Chief, in the speech with which he opened the present Session, apprised the House of Assembly that it would be his duty to make a special communication to them, in relation to the inconvenience which has been experienced in carrying on the public service in consequence of the failure of the Supply Bill for the financial year ending in the month of October last. He now has to inform the House that, although the inconvenience alluded to has been mitigated to a certain extent by the application of funds at the disposal of the Crown, the distress of the public officers, arising from the non-payment of the salaries to which they are justly entitled in remuneration of their services, and the deficiency of available means towards carrying on the public service in other important branches of the administration, have at length brought the local government into such straits and difficulties, that unless speedily relieved through the intervention of the Legislature, the King's service and the interests of the province must inevitably be exposed to great and serious injury. In order to make the House of Assembly acquainted with the extent to which provisions will be required on account of the service of the financial year ending in October last, the accompanying statement has been drawn up, exhibiting the several items of the estimates sent down to the House during the last session, the amount since paid on account of each item, and the balance now remaining to be provided for.

The funds appropriated by acts of the Provincial Legislature, and others at the disposal of the Crown, for the support of the civil government and the administration of justice, which have been resorted to for the payments already made, are the following, namely:

Annual aid to His Majesty, by the Provincial Act
35th Geo. 3.

Proceeds of - - - ditto - - - ditto - - -
41st Geo. 3.

Casual and territorial revenue.

Having thus far fulfilled his duty in laying before the House of Assembly the wants and difficulties of the executive government, the Governor in Chief now informs the House, that having transmitted to the Secretary of State a copy of the Supply Bill, as it passed the Assembly, and was afterwards rejected by the Legislative Council, he has been instructed to point out the constitutional objections to which that Bill is liable.

The various conditions which require that certain officers should not be members of the executive or legislative councils, must be considered (in parliamentary language) "Tacks," the effect of which is to introduce changes in the laws by the decision of a single branch of the legislature. To tack a bill of supply demanded by the exigencies of the State, a clause or enactment not properly connected with it, in order to compel the Crown or the upper house to make their choice between the loss of the supply with all the consequent mischiefs on the one hand, or the adoption of a measure which they disapprove on the other, is a practice which, though formerly attempted in the mother country, has long since discontinued, as directly tending to wrest from the King and the peers their share in the general legislation of Parliament.

Therefore, had the consideration of the very serious inconvenience sustained from the loss of the Supply Bill, induced the Legislative Council to sanction the bill of last year, in the form in which it left the House of Assembly, the Governor in Chief has been given to understand that His Majesty could not have been advised to give his sanction to the enactment.

Nevertheless, the Governor in Chief has been directed to express to the House of Assembly the readiness of His Ma-

jesty's Government to co-operate in rendering all public functionaries as independent as possible; but at the same time to mark the necessity for such provisions taking place by enactment, and not by resolution of one branch of the legislature.

Castle of St. Lewis,
Quebec, 13 January, 1834.

[*Message to the House of Assembly, relative to the expulsion of Mr. Mondelet during the last Session.*]

Towards the close of the last Session, an Address from the House of Assembly was presented to the Governor in Chief, praying that he would be pleased to communicate to the House the circumstances and reasons which had retarded the execution of the warrant for the issuing of a writ for the election of a representative for the county of Montreal, in the place of the Honourable Dominique Mondelet, Esq., whose seat was declared vacant by the House on the 21st of November, 1832.

In answer to that address, the Governor in Chief communicated to the House the fact of his having withheld his signature to the said writ, stating some of the motives which influenced him on that occasion, derived from the proceedings of the House itself in regard to the vacating of the seats of members who should accept office under Government; and the Governor in Chief informed the House of Assembly that the subject of their address had been referred by him to His Majesty's Government, praying for instructions for his guidance, which when received should be communicated to the House. The Governor in Chief now informs the House of Assembly, that in answer to his reference he has received from the Secretary of State a despatch, from which the following extract in relation to the case of Mr. Mondelet is transmitted for the information of the House.

"I am in the first place to signify to you my entire approbation of your Lordship's conduct in declining to affix your name to the new writ for the election of a member for the county of Montreal, in the room of Mr. Mondelet, whose seat had been declared vacant by a vote of the House of Assembly. Were I disposed to qualify in any measure this approbation, it would be to express my regret that an extreme, though not unnatural degree of caution should have led you to acquaint the House that you had referred the matter to the consideration of the Secretary of State; and that sanctioned by the opinions and advice of those whom you had very properly consulted, you should not have at once taken upon yourself to announce the decision which your own knowledge of the British constitution had led you so correctly to form. It is unnecessary for me to comment upon the tone and language adopted by the House of Assembly, in which they presume to dictate to the King's representative the occasion and the period at which, in their opinion, he ought to exercise the royal prerogative of dissolution, and hold forth the menace of ceasing to communicate with him, 'until he shall have made reparation for a breach of their rights and privileges.' My present purpose is to express the sentiments of the King's Government as to the assumption by the House of Assembly of 'rights and privileges' wholly repugnant to the practice and principle of Parliament, and incompatible with the maintenance of the British constitution. Such an assumption, I have no hesitation in declaring, the claim on the part of the assembly to vacate the seat of Mr. Mondelet, in pursuance of a forced construction of a resolution of their own House, notwithstanding the 'surprise' which they express, that your Excellency should not have known 'that your signature to a writ of election was simply and purely a ministerial act.'

"That your Lordship would not, except upon weighty considerations, desire to limit the authority of the House of Assembly over its own members, is sufficiently apparent from your not having hesitated to sign the warrant for a

new writ, upon the expulsion of Mr. Christie, a proceeding upon the merits of which I am not called upon, and feel no desire to express any opinion. Assuming that the powers of the House of Assembly are in all respects not only analogous, but equal to those of the British House of Commons, I deem it not only difficult but unsafe to attempt to prescribe the bounds within which such a body should exercise the right of restraining and punishing their own members; and to the discretion of the House of Commons it has been well and wisely left, by the practice of the constitution, to decide upon the degrees of criminality in a member which should call for the highest degree of punishment in their power to inflict, the disgrace of expulsion as unworthy to belong to their body. But as the prudence of the House of Commons has rarely, if ever, permitted them to carry to a faulty extreme this power, thus wisely left indefinite, so their knowledge of the British constitution and of what was due to the privileges of the other branches of the Legislature, has preserved them from the fatal error of arrogating to themselves the monstrous right of giving to their resolutions the force of law.

"The House of Commons undoubtedly possesses, and exercises every day the right of interpreting and expounding by resolutions of its own the laws which regulate the rights of candidates and electors in certain cases, and according to certain forms, which themselves are regulated, not by resolution, but by Act of Parliament; but it neither possesses nor has ever claimed to possess any right, authority or power, without the consent of the Crown and the House of Peers, to make laws relating either to the qualification or disqualification of electors or candidates, or rather to effect their object by resolutions only. Examples are numerous and of recent date, in which restrictions analogous to those sought for by the House of Assembly have been imposed by the authority of Parliament, but they have always been by bill, and have never been sought to be obtained by resolutions of the House of Commons.

"That so extravagant an assumption should be made by a body like the House of Commons, well acquainted with its own rights, and equally acquainted with the rights of others, is not to be contemplated; but I believe I am warranted in saying that if the Speaker, in the exercise of his ministerial capacity, should be called upon to issue a warrant for a new election, in consequence of a member being unseated by an illegal resolution, the duty would devolve upon the Lord Chancellor to take notice of the cause of the vacancy, as recited in the warrant, and on the ground of illegality to refuse to affix the Great Seal to the new writ, as your Lordship has in this case very properly declined to give your sanction to the issuing of the warrant. The House of Assembly indeed appear, from the course which they claimed, to be at least doubtful, and although I have assumed throughout this despatch, that the case of Mr. Mondelet fell strictly within the terms of their resolution, I cannot but say that the instance, so far as I collect the case from the documents furnished to me by your Lordship, appears to have been most unfortunately selected for the first experiment of their right.

"Your Lordship will understand me as separating altogether the justice of the general principle, that persons accepting office of emolument under the crown should be subjected to the judgment of their constituents, from the claim set up by the assembly to effect this object by their own mere resolution; and while I am happy to express my complete approbation of your Lordship's refusal to sanction a claim so subversive of the balance of the Constitution, and ultimately so dangerous to the liberty of the subject, I shall defer until a future occasion the expression of my opinion as to the propriety of assenting to an Act which may be passed by the Legislature of Lower Canada, for carrying into effect the object of subjecting Members, accepting office under the Crown, to a new election."

Castle of St. Lewis,
Quebec, 13 January, 1834.

[*Message to the House of Assembly on the subject of their Address to the King, during the last Session, praying His Majesty to sanction a National Convention.]*

The Governor in Chief communicates to the House of Assembly for its information, an extract from a despatch, addressed to him by the Secretary of State for the Colonial Department, in answer to the petition of the House, addressed to the King, which by desire of the House was transmitted to the Secretary of State during the last session, for the purpose of being laid at the foot of the throne.

“ I have also laid before the King the address of the House of Assembly. I cannot pass over this document without observation. The object of this address is to pray His Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed, whether by the introduction of the elective principle, or by the entire abolition of the Legislative Council. On the mode proposed, His Majesty is willing to put no harsher construction than that of extreme inconsiderateness : to the object sought to be obtained, His Majesty can never be advised to assent, as deeming it inconsistent with the very existence of monarchical institutions. To every measure which may secure the independence and raise the character of the Legislative Council, His Majesty will be most ready to assent. In 1828, a Committee of the House of Commons carefully investigated the grievances alleged by the inhabitants of the Canadas, and among them the constitution of the Legislative Council was a matter of serious deliberation. The Committee reported that one of the most important subjects to which their inquiries had been directed was, the state of the Legislative Council in both of the Canadas, and the manner in which those assemblies had answered the purposes for which they were instituted.

The Committee strongly recommended that a more independent character should be given to those bodies, that the majority of their members should not consist of persons holding offices at the pleasure of the Crown, and that any other measures that might tend to connect more intimately that branch of the Constitution with the interests of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the chief justice, whose presence on particular occasions might be necessary, the Committee entertained no doubt that they had better not be involved in the political business of the House. An examination of the constitution of the body at that period and the present, will sufficiently show in what spirit His Majesty's Government have laboured to accomplish the wishes of Parliament. The House of Assembly state correctly, that it has often been avowed that the people of Canada should see nothing in the institutions of neighbouring countries to which they should look with envy. I have yet to learn that His Majesty's subjects in Canada entertain such sentiments at present, or that they desire to copy, in a monarchical government, all the institutions of a republic, or to have the mockery of an executive absolutely dependent for its existence upon a popular body usurping the whole authority of the State. I am not prepared to advise His Majesty to recommend to Parliament so serious a step as the repeal of the Act of 1791, whereby the institutions of this country were conferred separately upon the provinces of Upper and Lower Canada. Serious as are the difficulties by which your Lordship's administration is beset, they are yet not such as to induce me to despair of the practical working of the British Constitution; but should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and

strengthening the connexion with the mother country, by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of His Majesty's subjects."

At the Castle of St. Lewis,
Quebec, 14 January, 1834.

[*Message to the House of Assembly, in relation to their Application for an Advance of £7,000 to meet their Contingent Expenses.*]

With reference to the Address of the House of Assembly of the 17th instant, praying for the issue of a warrant in favour of William Burns Lindsay, Esq., for 7,000*l.* currency, towards defraying the contingent expenses of the House, the Governor in Chief desires to call the attention of the House to the practice of the two Houses of Legislature, of making application to the head of the executive government, from time to time during the session of the Provincial Parliament, for the issue of warrants on account of their contingent expenses.

By the Act 33 Geo. 3, c. 8, entitled "An Act to establish a Fund for paying the Salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expenses thereof," certain duties are imposed upon wines imported into the province, in order to create a fund for the purposes contemplated by the Act; and it may be presumed that the Legislature of that day considered that the fund so created would be found adequate to meet the demands to be made upon it on account of the salaries of the officers, and the contingent expenses of the two Houses. Experience, however, has shown that, with the exception of a few instances (three only, during a period of 40 years), the fund has proved insufficient for those demands. Accordingly, at the commencement of each session, estimates

are prepared by the officers of the two Houses respectively, of their probable expenses for the year, without reference to the state of the fund, which estimates are included in the general estimate of the expenses of the civil government of the province ; and the two Houses, in anticipation of a legal appropriation by the passing of a Supply Bill, have been in the habit of addressing the head of the executive government in the course of the session, for the issue of warrants on account of their respective estimates, in terms to the following effect :

The address of the Legislative Council prays, that "the Governor in Chief will be pleased to issue his warrant in favour of clerk of the Legislative Council, for the sum of currency, in advance of expenses to be incurred by him, and for which he will hereafter account." And the address of the House of Assembly prays, "that the Governor in Chief will be pleased to issue his warrant in favour of clerk of this house, for currency, towards defraying the contingent expenses of this House ; and that the said sum be charged to the fund by law appropriated to that effect, assuring his Excellency that if the said fund is not sufficient the House will make good the same."

So long as the advances made to the two Houses, upon their addresses, shall not exceed the amount of the fund created and appropriated by the Act 33 Geo. 3, c. 8, such advances are perfectly regular and legal, and the head of the executive government incurs no responsibility in any quarter in ordering them to be made. But the case is different whenever such advances are found to exceed the amount of the fund, for the head of the executive government then becomes responsible for the excess, and continues so to be until relieved by a legislative enactment ; or, in other words, by a Supply Bill.

In the ordinary course of Parliamentary affairs, the existence of the responsibility thus incurred by the head of the executive government, although objectionable in prin-

ciple, under any circumstances, is of short duration in point of time; for the whole of his advances to the two Houses, upon their addresses during the session, are speedily covered by the Bill of Supply.

The Supply Bill of last year having failed, the Governor in Chief necessarily remains accountable for the advances made to the two Houses during the session (after deducting the amount of the fund created by the Act 33 Geo. 3, c. 8), a circumstance which is calculated to excite in his mind no inconsiderable degree of anxiety; for should the present Session, probably the last of this Parliament, be brought to a close without provision being made for the estimate of last year (in which are included the estimates of the expenses of the two Houses), the same responsibility must continue to attach to him; and it is possible that the next succeeding Parliament may not be disposed to make good the engagements entered into by the existing House of Assembly in their addresses.

The amount for which the Governor in Chief now stands accountable for advances made upon the addresses of the two Houses, during the last session, will appear from the following copy of a statement in figures, furnished by the inspector-general of accounts.

Mem.—Issues made during the Year ended 10th October, 1833, by accountable Warrants, viz.

	£. s. d.
On Addresses of the Legislative Council . . .	3,356 10 5
On Addresses of the House of Assembly . . .	6,500 0 0
 Total Currency . . .	 £. 9,856 10 5
Deduct amount of fund created by the Act 33 Geo. 3, c. 8, during the above period £.3,313 11 9	
 Less, Payments to officers of the two Houses, on account of their Salaries	1,379 19 5 1,933 12 4
 Deficiency, currency . . .	 £7,922 18 1

For which deficiency the Governor in Chief is now responsible, in consequence of the failure of the Supply Bill of last year.

For the information of the House of Assembly, in the event of their taking up the consideration of the subject of the present communication, a statement has been prepared, and is herewith transmitted, showing the amount year by year of the fund created by the Act 33 Geo. 3, c. 8, from the year 1793 to the year 1832, and of the expenses of the two Houses; by which it appears that the expenses of the two Houses, during that period, amounted to 277,280*l.* 15*s.* 11*d.*, and the net amount of revenue to 66,019*l.* 4*s.* 3*d.*, being an excess of expenditure over the revenue of 211,261*l.* 11*s.* 8*d.* currency.

After having maturely weighed and considered the circumstances above stated, the Governor in Chief now informs the House of Assembly, that until he shall have been relieved by an Act of the Legislature from the responsibility which still attaches to him on account of the advances made during the last session upon the addresses of the Legislative Council and House of Assembly, he must decline taking into his consideration the expediency of incurring further responsibility on the same account.

The Governor in Chief desires the House of Assembly to be assured that he will very sensibly regret any inconvenience to the service of the House which may result from the course which he has found it necessary to adopt upon the present occasion. It is a course which the Governor in Chief is firmly persuaded will be found in perfect accordance with the spirit of the constitution; and it is, moreover, one from which, under existing circumstances, no consideration of expediency can justify him in departing.

Castle of St. Lewis,
Quebec, 18 January, 1834.

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[*Report of the Committee to whom was referred His Excellency's Message in Answer to an Address of the Assembly for an advance of £7,000. towards defraying their Contingent Expenses.*] .

The special Committee, to whom was referred the message of his Excellency the Governor-in-chief, in answer to the address of the House, praying his Excellency to issue his warrant for 7,000*l.* currency, on account of the contingent expenses of the House, with the statement accompanying the same; and also the message of his Excellency of the 15th January instant, relating to the contingent bill of the late solicitor-general, with power to report from time to time, have the honour to report in part:

That although from the time of the passing of the Constitutional Act, the governors or administrators of the Government have always favourably received the addresses of the Legislative Council or of the House of Assembly for advances of money to defray the contingent expenses of the two Houses, over and above the sum appropriated by the revenue of the Act of the 33 Geo. 3, cap. 8, cases have occurred where the head of the executive has not thought proper to comply with the addresses of this House, as appears by the extracts from the Journals of this House annexed to this Report.

Under the administration of Sir Robert Shore Milnes, Bart., in the year 1805, addresses were presented by the House to the Lieutenant-governor for the time being, praying that he would be pleased to issue his warrant in favour of the clerk of this House, for the purpose of paying (among other expenses) for 200 copies of an index to the French edition of the Lex Parliamentaria, which had been ordered to be printed by the House; and also praying that he would be pleased to take into consideration the services rendered by Pierre Edouard Desbarats, Esq., French translator of

the House, and to grant him an additional salary, to commence from the 1st November, 1804, assuring his Excellency that if the funds appropriated by law were not sufficient, the House would make good the same.

To this address the Lieutenant-governor answered on the 25th March, 1805, that it was not in his power to issue a warrant to pay for the printing of the Index of the *Lex Parliamentaria*, as it was an extraordinary service for which the Legislature had not provided, and that with respect to the prayer that an increase of salary might be granted to the French translator, he must regret that when those rules which tended to promote a good understanding between the executive and the other branches of the Legislature were forgotten, the Governor must feel averse to the introduction of a precedent which might lead to consequences so injurious.

In the year 1806, an address of the House was presented to his Honour the President (Mr. Dunn), praying he would be pleased to advance to the speaker the sum necessary to defray the expenses of translating the four volumes of precedents of proceedings in the House of Commons, by John Hatsell, in conformity with the resolution of the House, of the 18th March, 1805, and that the House would reimburse the same.

On the 3d of April following, his Honour the President answered, that he would refer the House to the answer sent down the year before, by the Lieutenant-governor for the time being, to the address of the House of Assembly, and that on examining the same, the House must be convinced, that in the particular situation in which he was placed as administrator of the Government during the temporary absence of the Governor and Lieutenant-governor, he would not deviate from the precedents aforesaid, by advancing the said monies to defray expenses for which the Legislature had not provided.

In the year 1823 two addresses were presented to his Excellency the Governor in Chief (Lord Dalhousie), pray-

ing that he would be pleased to issue his warrant in favour of the clerk of this House for the sum of 3,314*l.* 16*s.* 10*d.*, to pay the arrears due on the contingent expenses of this House for the years 1820, 1821, and up to the 1st of October, 1822, and also for the sum of 3,540*l.* for the expenses then incurred, or to be incurred from the 1st November 1822 to the 31st October, 1823, for the service of this House, and that the said sums might be charged against the fund already appropriated by law, assuring his Excellency that if the said funds were not sufficient the House would make good the sums so advanced.

To these addresses the Governor answered, that he would advance the sum of 3,314*l.* 16*s.* 10*d.* first above-mentioned, because it was required for services performed; but that with regard to the sum of 3,540*l.* for the expenses of the then current year, he must be guided by the appropriation that should be made by the Legislature.

It does not appear that any proceedings, which can be considered as precedents, were adopted by the House with reference to the aforesaid refusals, except that it appears that in the year 1805 the House resolved itself into a Committee of the whole, to take the answer of the administrator to their address into consideration, and that the proceedings of the said Committee were interrupted by the prorogation of the Parliament.

These three are the only instances in which the head of the executive has not thought proper to comply with the addresses of this House. During every other session the addresses of the House were favourably received; and on referring to the proceedings of the first session, it will be seen that a sum of money was then advanced, even before an Act had been passed, to make provision for defraying the expenses of the Legislature.

Your Committee leave it to the House to decide how far the aforesaid precedents do or do not apply to the case in question.

It appears to your Committee that your honorable House

has only the choice of two alternatives ; the one is, to suspend the sittings of the House, by informing the executive that it is impossible for your honorable House to proceed with becoming dignity and effect on the business before it ; and the other, to comply with the wish expressed in the message which forms the subject of this Report, by immediately passing an Act to relieve his Excellency the Governor in Chief from his responsibility for the advances made by him during the last session, on the addresses of the Legislative Council and of the House of Assembly.

If the former alternative were adopted, the country would be deprived of the numerous and important advantages which it must derive from the continuance of the session ; and the discussion and decision of many measures of the highest importance now before your honorable House would be deferred to a less favourable season. These considerations, weighty as they are, ought doubtless to be disregarded, if in adopting the latter alternative the House were to sacrifice any one of its rights or privileges ; but in so doing it will not sacrifice any one constitutional principle.

Your Committee conclude by reporting the following Resolution, which they have adopted :

Resolved, That a Bill of Appropriation be passed, to cover and make good the sums of money advanced by his Excellency the Governor in Chief, on the addresses of the Legislative Council and of the House of Assembly (over and above the produce of the 33d Geo. 3, c. 8), for defraying the contingent expenses of the Legislature for the year ending on the 31st October last.

The whole, nevertheless, humbly submitted.

(signed) *Hector S. Huot, Chairman.*

27 January, 1834.

[*Resolutions proposed by Mr. Neilson on the 21st February, 1834, in amendment of the Resolutions proposed by Mr. Bedard, and adopted by the Assembly.*]

“ 1. That the state of the province was fully considered by the House, and represented to His Majesty and both Houses of Parliament, in its humble addresses of the 16th March, 1831; and that the answer thereto of His Majesty’s then principal Secretary of State for the Colonial Department, dated the 7th July following, laid before this House on the 18th November of the same year, contains a solemn pledge on the part of His Majesty’s Government, of its ready assent and co-operation in removing and remedying the principal grievances and abuses complained of in the said addresses, and that it is the bounden duty of this House to proceed in the spirit of the said despatch, to co-operate in promoting the peace, welfare, and good government of the province, conformably to the Act of the British Parliament under which it is constituted.”

“ 2. That the extract of the despatch of His Majesty’s principal Secretary of State for the Colonial Department, communicated to this House in the message of His Excellency the Governor in Chief of the 14th January last, contains an acknowledgment of the continued disposition of His Majesty’s Government to give effect to the recommendations of the Report of the Committee of the House of Commons of the 22d July, 1828, made after a full investigation of the petitions of all classes of His Majesty’s subjects in this province, and thereby furnishes an additional inducement to this House to proceed earnestly, diligently, and perseveringly, in so far as depends upon it, to secure for its constituents the advantages afforded by the said recommendations, cultivating harmony and good-will throughout the province, and promoting the general welfare.”

“ 3. That it is urgent at the present time to make legislative



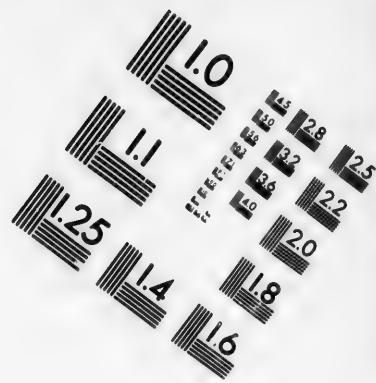
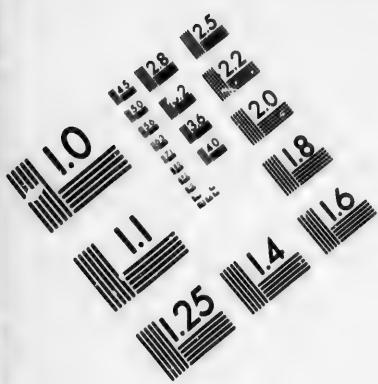
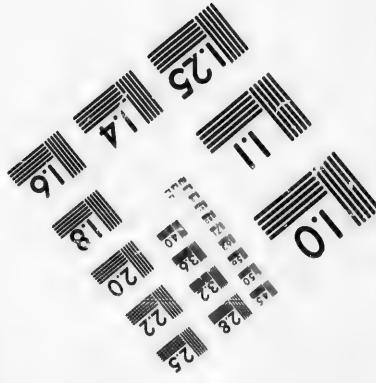
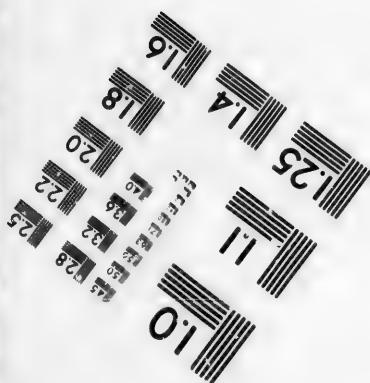
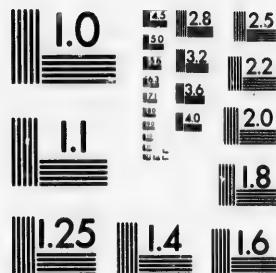


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provision for the advancement of the improvement of the province, and the amelioration of the condition of its inhabitants ; more particularly, 1st, for facilitating the occupation under secure titles of all lands in the vicinity of settlements, remaining in a state of wilderness, without the actual settler being burthened with any arbitrary or unnecessary dues or conditions, and either upon the ancient tenures of the country, or in free and common socage, as may be the most agreeable to the occupant. 2d, For the greater certainty of the laws affecting real property throughout the province for the independence of the judges, and for facilitating the administration of justice and recourse against the provincial government in courts of law. 3d, For the greater responsibility of high public officers, and the trial within the province, of impeachments. 4th, For the settlement of all public accounts, and for a full and fair investigation into all salaries, emoluments of office, fees and expenses exacted under public authority, and a reduction of all unnecessary charges and burthens on the subject."

The House divided on the motion of amendment.

Yea :—Messieurs Anderson, Baker, Berthelet, Caldwell, Casgrain, Cuvillier, Davis, Duval, Goodhue, Gugy, Hoyle, Knowlton, Languedoc, Le Boutillier, Lemay, Neilson, Power, Quesnel, Steuart, Taylor, Wood, Wright, Wurtele and Young (24).

Nay :—Messieurs Amiot, Archambeault, Bedard, Bertrand, Besserer, Blanchard, Boissonnault, Bouffard, Bourdages, Bureau, Careau, Cazeau, Courteau, Child, de Bleury, Dionne, Deligny, Deschamps, de Tonnancour, de Witt, Jacques Dorion, P. A. Lorion, Drolet, Fortin, Girouard, Guillet, Huot, Kimber, Lafontaine, Larue, Letourneau, Leslie, Masson, Méthot, Morin, Mousseau, Noël, Paulin, Proulx, Raymond, Rivard, Rocbrune, Rochon, Rodier, Scott, Simon, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Turgeon, Valois, Vanfelson, Godbout, and Viger (56).

[*Resolutions of the Assembly upon the Secretary of State's Despatch, of 7th July, 1831, in Answer to their Petition to the King.*]

1. Resolved, That this House receive with sentiments of gratitude the gracious expression of His Majesty's paternal regard for the welfare and happiness of his subjects in this province, as the proofs of a just and liberal policy towards them, contained in the despatch of His Majesty's Principal Secretary of State for the Colonial Department, dated the 7th of July last; but particularly the acknowledgments that the regulation of the internal affairs of the colony ought to be left exclusively to the local Legislature.

2. Resolved, That it is the opinion of this Committee, that this House sincerely participates in the feelings of kindness and good will manifested in the said despatch, and in the earnest desire to strengthen the bonds already subsisting between this colony and the parent state.

3. Resolved, That this House will proceed with all due diligence and deliberation to provide, as far as depends upon it, remedies for the various matters of complaint contained in its humble petition on the state of the province, forwarded at the close of last session, and referred to in the said despatch.

4. Resolved, that this House gratefully acknowledges the promptitude with which the petition to His Majesty was transmitted by his Excellency the Governor in Chief, and the early and perspicuous manner in which the same was considered and answered by the Right Honorable Lord Goderich, His Majesty's principal Secretary of State for the Colonial Department.

5. Resolved, That the 1st, 2d and 3d heads of the said despatch, relating to education, be referred to the standing Committee on education and schools.

6. Resolved, That the 5th head of the said despatch, re-

lating to regulations of trade, be referred to the Committee of Trade.

7. Resolved, That the 6th, 7th, 8th and 9th heads of the said despatch, relating to the courts of justice and the state of the law, be referred to the Committee on the Courts of Justice.

8. Resolved, That the 11th head of the said despatch, relating to executive and judiciary officers, be referred to the Committee of Grievances.

9. Resolved, That the 12th head of the said despatch, relating to the responsibility and accountability of public officers, be referred to the Committee of Accounts.

10. Resolved, that the said Committees severally, have power to report on the heads referred to them, by bill or otherwise.

11. Resolved, That this House will not fail to give its early and most deliberate attention to the promised despatches on the most important subjects of the crown lands, and selection and constitution of the Legislative Council, whenever the said despatches shall be laid before this House.

12. Resolved, That an humble address be presented to his Excellency the Governor in Chief, with copies of the foregoing resolutions.

Ordered, That Mr. Neilson, Mr. Louis Bourdages, Mr. Dessaulles and Mr. Leslie, do present the said address to his Excellency the Governor in Chief.

House of Assembly,
29th November, 1831.

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NAME.	Mode of Appointment and Date.	Whether the Individual holds any other, and what Office.
Jonathan Sewell ..	mandamus, 5 May, 1808	he is also Chief Justice of the province and Speaker of the legislative council.
Hon. C. J. Stewart, Bp. of Quebec	mandamus, 30 Jan. 1828	he is also a Member of the executive council.
Sir G. Pownal, knt. Charles de St. Ours	date of mand. not known	—
John Hale	mandamus, 2 Dec. 1808	—
	mandamus, 3 Dec. 1808	—
Sir J. Caldwell, bt. Herman W. Ryland	mandamus, 15 Dec. 1811	he is also Receiver-general for the province of Lower Canada.
	mandamus, 17 Dec. 1811	—
James Cuthbert ..	mandamus, 18 Dec. 1811	—
Charles W. Grant	mandamus, 21 Dec. 1811	—
Pierre D. Debartzch	—	—
Thomas Coffin	mandamus, 8 May, 1817	—
Roderic Mackenzie	mandamus, 10 May, 1817	—
Louis Gugy	mandamus, 10 Apr. 1818	he is also Sheriff of the district of Montreal.
James Kerr	mandamus, 19 Oct. 1821	he is also a puisne Judge of the Court of King's Bench for the district of Quebec, and Judge of the Court of Vice-admiralty for the province of Lower Canada.

List of the Legislative Council—(continued.)

NAME.	Mode of Appointment and Date.	Whether the Individual holds any other, and what Office.
Edward Bowen ..	mandamus, 20 Oct. 1821	he is also a puisne Judge of the Court of King's Bench for the district of Que- bec.
William B. Felton	mandamus, 4 April, 1822	he is also Commis- sioner for the sale and management of Crown Lands.
Matthew Bell	mandamus, 30 April, 1823	—
Toussaint Pothier	mandamus, 22 July, 1824	—
John Stewart	mandamus, 13 May, 1825	he is also a Member of the executive council, Master of the Trinity-house at Quebec, and Com- missioner for ma- naging the estates of the late order of Jesuits in L. Canada
John Forsyth	mandamus, 3 July, 1827	—
Samuel Hatt	mandamus, 25 Nov. 1829	—
Denis B. Viger ..	mandamus, 30 Nov. 1829	—
Louis Guy	mandamus, 20 Dec. 1830	—
George Moffatt ..	mandamus, 24 Dec. 1830	—
Roc de St. Ours ..	mandamus, 1 Jan. 1832	—
Peter M'Gill	mandamus, 3 Jan. 1832	—
John Molson	mandamus, 4 Jan. 1832	—
M. P. de Sales La- terriere	mandamus, 5 Jan. 1832	—
Frs. X. Malhiot ..	mandamus, 6 Jan. 1832	—
Jean Dessaulles ..	mandamus, 7 Jan. 1832	—
Bart Joliette	mandamus, 8 Jan. 1832	—
Pierre de Rocheblave	mandamus, 9 Jan. 1832	—
Robert W. Harwood	mandamus, 10 Jan. 1832	—
Antoine G. Couillard	mandamus, 11 Jan. 1832	—
Horatio Gates	mandamus, 1 Aug. 1832	—
Robert Jones	mandamus, 2 Aug. 1832	—
James Baxter	mandamus, .. Aug. 1832	—
Francois Quirouet ..	mandamus, 25 Oct. 1833	—

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Substance of Addresses from the House of Assembly to the Governor-in-chief during the present Session, with His Excellency's Answers.

Addresses for Information from the House of Assembly.	Answers of His Excellency the Governor-in-chief.
1. For any information respecting the extension of the lease of the forges of St. Maurice.	That he has been authorized to extend the lease to the Hon. M. Bell for 10 years.
2. For copies of opinions and advice given by the persons consulted by His Excellency on the subject of the writ of election for a member for the county of Montreal, in place of Mr. Mondelet, who was expelled from the House of Assembly in consequence of his acceptance of office.— <i>Refused.</i>	That he must decline furnishing the information prayed for.
3. For statement of Lods et Ventes, in the Suburbs of Quebec, and copies of instructions to the clerk of the terrars and inspector-general of the King's domain.	That the proper officer will be directed to furnish the information prayed for.
4. For the original accounts and vouch'ers of receipts and payments of the receiver-general from October, 1830, to October, 1833.	That he must decline directing the receiver-general to divest himself of the possession of them, but that he shall be directed to attend the Committee and furnish them with such information as may be consistent with his duty to his superiors.
5. For half-yearly accounts of sales and monies received and expended by commissioner of Crown lands.	That he must decline furnishing the information prayed for.
6. For original accounts and vouchers of expenditure and revenue of the province, as may be required from time to time.	That the proper officer will be directed to furnish the information prayed for.

Addresses for Information from the House of Assembly.	Answers of His Excellency the Governor-in-chief.
7. For record-book of warrants issued on receiver-general, record-book of reports of auditor-general, and record-book of reports kept by clerk of Executive Council.	That the proper officer will be directed to furnish the information prayed for.
8. For copy of despatch from Secretary of State respecting the Supply Bill of 1832.	He lays before the House of Assembly an extract from Viscount Goderich's Despatch of 9 April, 1832. No. 92.
9. For blue book from 1830, inclusive.	The proper officer will be directed to furnish the information prayed for.
10. Whether the lease of the forges of St. Maurice has been extended to Mr. Bell, and if so, for a copy of the lease.— <i>Refused.</i>	The lease is now in the hands of the proper officer, for the purpose of being perfected, but he must decline furnishing the House with a copy of it, in conformity with his decision upon the occasion of the Address of the Assembly of 22 Dec. 1832, upon the same subject.
11. For statement of monies appropriated and not yet paid, and probable amount of revenue to 10 October, 1834.	That the proper officer will be directed to furnish the information prayed for.
12. For documents relating to the quarantine station at Grosse Isle.	Ditto.
13. For statement of monies in vault with three keys, and in receiver-general's vault.	Ditto.
14. For copy of proceedings before coroner at Montreal on the body of Solomon Barbeau, who died in that city in November last.	Ditto.
15. For copies of accounts rendered by commissioners named under Act 1 and 2 Will. 4, c. 21.	Ditto.
16. For statement of amount of revenue of the locks at the cascades, cedars, and Coteau du Lac, since 1831.	Ditto.

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Addresses for Information from the House of Assembly.	Answers of His Excellency the Governor-in-chief.
17. For statement of lands granted or leased to Members of the Legislative and Executive Councils, judges, and other public officers, since the date of the report made by the Committee of the House of Commons July 22, 1828.	That the proper officer will be directed to furnish the information prayed for.
18. For quarterly statements of receipts and payments of receiver-general from January, 1831, to January, 1834, distinguishing the civil government from the Jews' estates.	Ditto.
19. For quarterly statements of amount in receiver-general's vault and vault with three locks, from January, 1831, to January, 1834.	Ditto.
20. For information and statements relative to the disposal of Crown lands and clergy reserves in certain townships.— <i>Refused.</i>	Having already declined furnishing the information prayed for, he cannot permit the commissioner of Crown lands to accede thereto on the present occasion.
21. For information respecting the affairs of the late receiver-general, Sir John Caldwell.	That in answer to a reference he made to the Secretary of State for the Colonial Department upon this subject, he has been informed that the Lords Commissioners of His Majesty's Treasury have instructed their solicitor to press the appeal of Mr. H. Caldwell before the privy council to a decision, and that no arrangements have been made with Sir J. Caldwell since that by the Lords of the Treasury on 21 March, 1826.
22. For correspondence between the Provincial Government and proprietors of land taken by Government for the Grenville Canal.	That the proper officer will be directed to furnish the information prayed for.
23. For information as to the objections which exist to the appointment of Jews as magistrates.	Ditto.

Addresses for Information from the House of Assembly.

Answers of His Excellency the Governor-in-chief.

24. For copies of all correspondence that has taken place between His Majesty's Government and the Seminary of St. Sulpice, of Montreal, and copies of suits brought by the law officers on the subject.—*Refused.*

That he must decline furnishing the information prayed for, and that he much regrets that he cannot feel justified in so doing, as the correspondence furnishes indisputable proofs of the liberal and disinterested views of His Majesty's Government regarding the seminary, and of their anxiety to promote the prosperity of the city of Montreal.—He is not aware of any suits having been brought.

25. For copy of Instructions to the medical board appointed to examine wounded militia men.

That the proper officer will be directed to furnish the information prayed for.

Statement showing the Amount of the Civil Expenditure in Lower Canada for the Year 1833, the Amount which was paid on Account thereof, and the Balance still remaining unpaid.

	£. s. d.
The amount of the civil expenditure of the year 1833, as estimated for	54,604 16 6
Deduct expenses of the Legislature, to be paid out of funds at their disposal	14,917 8 0
	<hr/>
	39,687 8 6
Add permanent civil list, not included in the estimate	5,900 0 0
	<hr/>
	45,587 86
On account of the sum there was paid out of certain revenues at the disposal of the Crown by provincial Acts, and out of the casual and territorial revenues	14,082 4 9
	<hr/>
Balance still unpaid, sterling £.	31,505 3 9
	<hr/>
The net produce collected under the Imperial Act 14 Geo. 3, c. 88, in the year 1833, for Lower Ca- nada, was	34,317 18 6
	<hr/>
(signed)	
Quebec, 3 March, 1834.	Jos. Cary, J. G. P. P. } Accountants.

Statement showing the probable Amount of the Revenues of Lower Canada which have hitherto been considered at the disposal of the Crown, and of the Civil Expenditure to be defrayed there-out, for the year ending 10th October, 1834.

	£. s. d.
Probable net amount of the casual and territorial revenue, exclusive of land and timber-fund	4,800 0 0
Probable net amount of the produce of the provincial Act 41 Geo. 3	5,200 0 0
Annual aid by provincial Act 35 Geo. 3	5,000 0 0
Probable net produce of the Imperial Act 14 Geo. 3, c. 88	34,000 0 0
 Total Revenue, sterling	 £. 49,000 0 0
 The estimated amount of the civil expenditure of the year 1834 is	 £. s. d. 59,395 13 4
Deduct expenses of the Legislature, to be paid out of the funds at their disposal	19,265 1 10
 Add amount of permanent civil list, not included in the estimate	 40,130 11 6
	5,900 0 0
	 46,030 11 6
Surplus sterling	 £. 2,969 8 6

(signed) *Jos. Cary, J. G. P. P.* } Accountants.

Quebec, 3 March, 1834.

Statement showing the Amounts of the Estimates for the Civil Expenditure of Lower Canada for the Years from 1829 to 1834 inclusive.

Year.	Amount Sterling.	EXPLANATIONS.																						
	£. s. d.																							
1829 .	62,123 10 9																							
		The excess of the estimate for 1830 over that for 1829 arises from the following items being charged more in 1830:																						
1830 .	71,246 17 0	<table> <tr> <td>Lieut.-gov. of Gaspé is charged for two years' difference</td> <td>300</td> </tr> <tr> <td>Provincial agent, ditto</td> <td>200</td> </tr> <tr> <td>Auditor-general's office, ditto</td> <td>500</td> </tr> <tr> <td>Contingencies of Legislative Council</td> <td>1,260</td> </tr> <tr> <td> Ditto . . . House of Assembly</td> <td>3,150</td> </tr> <tr> <td>Circuits</td> <td>591</td> </tr> <tr> <td>Contingencies of the administration of justice</td> <td>1,068</td> </tr> <tr> <td>Miscellaneous</td> <td>1,700</td> </tr> <tr> <td>Repairs to public buildings</td> <td>3,000</td> </tr> </table>	Lieut.-gov. of Gaspé is charged for two years' difference	300	Provincial agent, ditto	200	Auditor-general's office, ditto	500	Contingencies of Legislative Council	1,260	Ditto . . . House of Assembly	3,150	Circuits	591	Contingencies of the administration of justice	1,068	Miscellaneous	1,700	Repairs to public buildings	3,000				
Lieut.-gov. of Gaspé is charged for two years' difference	300																							
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Auditor-general's office, ditto	500																							
Contingencies of Legislative Council	1,260																							
Ditto . . . House of Assembly	3,150																							
Circuits	591																							
Contingencies of the administration of justice	1,068																							
Miscellaneous	1,700																							
Repairs to public buildings	3,000																							
		The following items, charged in the estimate for 1830, were omitted in that for 1831:																						
1831 .	57,154 19 6	<table> <tr> <td>Salary of Lieutenant-gov. of Gaspé for two years</td> <td>600</td> </tr> <tr> <td>Ditto, provincial agent for two years</td> <td>400</td> </tr> <tr> <td>Ditto, auditor-general . . . ditto</td> <td>1,000</td> </tr> <tr> <td>Ditto, two provincial judges, difference</td> <td>400</td> </tr> <tr> <td>Ditto, advocate-general for two years</td> <td>400</td> </tr> <tr> <td>Ditto, chairman of the quarter sessions</td> <td>1,250</td> </tr> <tr> <td>Ditto, chairman at Gaspé, for two years</td> <td>450</td> </tr> <tr> <td>Pensions</td> <td>440</td> </tr> <tr> <td>Circuits, less</td> <td>1,041</td> </tr> <tr> <td>Contingencies of the Legislature, less than the year 1830</td> <td>4,460</td> </tr> <tr> <td>Miscellaneous</td> <td>2,741</td> </tr> </table>	Salary of Lieutenant-gov. of Gaspé for two years	600	Ditto, provincial agent for two years	400	Ditto, auditor-general . . . ditto	1,000	Ditto, two provincial judges, difference	400	Ditto, advocate-general for two years	400	Ditto, chairman of the quarter sessions	1,250	Ditto, chairman at Gaspé, for two years	450	Pensions	440	Circuits, less	1,041	Contingencies of the Legislature, less than the year 1830	4,460	Miscellaneous	2,741
Salary of Lieutenant-gov. of Gaspé for two years	600																							
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Contingencies of the Legislature, less than the year 1830	4,460																							
Miscellaneous	2,741																							

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1833

1834

Year. Amount Sterling. EXPLANATIONS.

			£.
Year.	Amount Sterling.	EXPLANATIONS.	
	£. s. d.		£.
		The following items in the estimate for 1832 were charged more than in 1831:	
1832	64,357 0 10	Contingencies of Assembly Indemnity to Members For unforeseen expenses of Government Items before paid out of the Jesuits' estates	2,225 2,500 1,000 1,067
1833	54,604 16 6	This decrease is accounted for by the Permanent Civil List, not included Salary of Lieutenant-gov., omitted Indemnity to Members of Assembly, omitted	5,900 1,500 2,500
1834	59,395 13 4	{ The contingencies of the House of Assembly were increased this year	4,347

**PETITION OF THE COMMONS OF LOWER
CANADA TO THE KING.**

**LORD AYLMER'S DISPATCH OF MARCH 18, 1835;
AND ENCLOSURES RELATING
THERETO.**

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** To the King's most Excellent Majesty.*

May it please your Majesty,

We, Your Majesty's faithful and loyal subjects, the Commons of the province of Lower Canada, in provincial Parliament assembled, most respectfully approach Your Majesty to expose:

That, during the last session of the Imperial Parliament, the Commons of the province of Lower Canada, in the name of the people whom they represent, approached Your Majesty by petition, dated from Quebec, on the 1st day of March, 1834, setting forth the grievances which the people of the said province suffered, arising out of the vicious principles upon which their political institutions are based, aggravated by a series of arbitrary administrations to which the province has been subjected.

That the inquiry which was instituted before a Select Committee, appointed by the Honourable the House of Commons, upon Canada Affairs, on the 15th of April, 1834, induced the people of Lower Canada to hope that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of Your Majesty's late Secretary of State for the Colonies, the Right Honourable E. G. Stanley, and the subsequent

* The Second Petition of the House of Assembly to the House of Commons referred to in Lord Aylmer's Petition, presented by Lord Ebrington on the 22nd June, is to the same effect as the above Petition addressed to the king.

appointment of the Right Honourable T. Spring Rice; the more especially after the repeated declarations of the Right Honourable the Secretary of State for the Colonies, that your Majesty's Government was actuated by the strongest desire to render justice to the people of the province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

That your petitioners, however, regret to state, that not only does the said petition of the Commons of Lower Canada to Your Majesty seem to have been totally neglected, but that new abuses have been inflicted upon the people of this province, which if not speedily removed, will tend to increase to an alarming degree, the discontents which have so long prevailed, and will ultimately alienate the affections of the people, even from the Government of England itself.

That among the additional grievances of which the people of this province have to complain, your petitioners would invite the attention of Your Majesty to the fact, that his Excellency, Matthew Lord Aylmer, is still continued in the Government of this province, after having been formally accused in the aforesaid petition, of "illegal, unjust and unconstitutional conduct," and after having borne himself towards the representatives of the people of Lower Canada in a manner insulting to a body, intrusted with legislative functions and destructive of the respect which should be due to Your Majesty's representative.

That the acts of the Governor-in-chief, of which the people of this province have still to complain, were for the most part enumerated in the aforesaid petition to Your Majesty; that since that time, the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which his Excellency has displayed towards the people of this province, have created an universal feeling of discontent towards his Excellency's administration.

That among the just subjects of complaint against the present administration of this province, the system which

is exhibited in the distribution of offices, necessarily holds a conspicuous place, that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this province; that it is seldom men of French Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has been recently polluted in its source by the appointing to the high office of judge of the King's Bench for the district of Montreal, a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is sworn to administer; and also by the appointment of a great number of commissioners for the trial of small causes, in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

That another cause of complaint, which has arisen since the aforesaid petition of the Commons of Lower Canada to Your Majesty, is the culpable indifference betrayed by the Governor-in-chief on the subject of the frightful ravages committed by the Asiatic cholera during the last summer; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions authorizing an application to the Governor-in-chief for an extension of the quarantine regulations to the port of Montreal, and for an aid for the purpose of forwarding the destitute emigrants to their destination; that the answer of the Governor was more than a bare refusal; it was marked by coldness and insult; that your petitioners are firmly of opinion that the virulence which the disease subsequently assumed in the said city of Montreal would have been considerably mitigated had the head of the administration complied with the prayer of the

corporation; and that the people of the country generally, and more especially the surviving relatives of the 1,300 victims who died in Montreal, and of the thousands in the province who have fallen victims to the disease, look upon the conduct of his Excellency as one of the principal causes of their suffering and bereavement.

That since the aforesaid petition of the Commons of Lower Canada, Your Majesty's Government, in opposition to the prayer of the said petition, as well as to the numerous representations on that subject submitted to Your Majesty by the House of Assembly, and by several of its authorized agents, has sanctioned the sale of lands belonging to this province to several individuals using the title of the "British North American Land Company;" and your petitioners also have reason for believing that Your Majesty's Government have likewise sold to the individuals aforesaid extensive tracts of land belonging to this province, and thereby have taxed this colony, contrary to the most important and indisputable of the birth-rights of British subjects, which were more particularly acknowledged and confirmed to colonies with local legislatures by the faith and honour of the British Parliament, pledged by the declaratory Act of 1778; the violation of which principle, recognized in said Act, led to the rightful and successful resistance of the former British colonies, and dismemberment of the British empire: That your petitioners, viewing with alarm such an encroachment upon their political privileges, would fain believe that it has been made without considering their constitutional rights, and the provisions of said declaratory Act; that your petitioners, nevertheless, solemnly protest against this violation of the most sacred rights of the people of Lower Canada, and pray Your Majesty to recommend to your Parliament the immediate repeal of the Act passed in favour of the said Land Company; that your petitioners have reason to believe that the said tax is now being paid into the colonial chest of this province for the disposal of the Executive, without the sanction, and in defiance of the expressed will of the Com-

monies of Lower Canada; that your petitioners anticipate with fear, as a consequence thereof, a frightful increase of corruption in this province; that in addition to the fears generated by this unconstitutional taxation, and the equally unconstitutional application of the said tax, your petitioners foresee, as arising out of the peculiar powers conferred on the company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company.

That the continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of alarm to Your Majesty's Canadian subjects; that after the abandonment of the late Colonial Secretary's project to seize upon the said revenues by suspending an Act which did no more than confirm to the Commons of Lower Canada a right previously recognized, without conferring any new privileges, Your Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations, yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

That the people of the Old Colonies, now the United States of North America, however much they were aggrieved by attempts at unconstitutional taxation, had much less to complain of, on the score of executive usurpation, than the people of this province; the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

That under these circumstances, your petitioners claim for Your Majesty's Canadian subjects Your Majesty's protection against these and similar acts of pillage; that Your Majesty may, and ought at once to ascertain, in order to

bring to just punishment, those who authorized so criminal an assumption of power.

That inasmuch as no session of the Provincial Parliament has intervened since the date of the aforesaid petition of the Commons of this province to Your Majesty, your petitioners abstain from alluding at any length to the insuperable differences and the ever-widening breach between the House of Assembly and the Legislative Council of this province, differences springing out of the very constitution of the latter body; nevertheless your petitioners cannot avoid reminding Your Majesty, that the aforesaid petition contained a prayer that the Legislative Council as at present constituted be abolished, and that the people of the province be empowered to elect the second branch of the Legislature in future, as the only means of producing that harmony without which internal peace and good government cannot exist.

That as an evidence that the people at large fully participate in the opinions of the majority of the House of Assembly, your petitioners take leave to refer Your Majesty to the result of the recent elections in the said province of Lower Canada, which avowedly turned upon the approval or the disapproval of the elective principle, and which result is almost unanimously in favour of the said principle.

Wherefore, your petitioners, expressing the sentiments of the majority of the inhabitants of Lower Canada, pray Your Majesty to comply with the prayer of the aforesaid petitions of the Commons of Lower Canada, dated on the 1st day of March, 1834, and also with that of the present petition, by removing the abuses and grievances set forth therein, so that full justice be rendered to the House of Assembly, and to the people whom it represents.

And as by inclination, as by duty we are led to do, we shall ever pray for your Majesty's sacred person.

A. Huot.

(signed) *W. B. Lindsay,*

Clerk of Assembly.

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*[Copy of a Despatch from Lord Aylmer to the
Earl of Aberdeen.]*

MY LORD,

CASTLE OF ST. LEWIS, QUEBEC,
18th March, 1835.

ON the 14th instant I had the honour of transmitting to your Lordship an Address to the King (engrossed on parchment), of the House of Assembly of Lower Canada, on the state of the province. I now take leave to offer some observations on those passages only of the Address which immediately concern my administration of the Government of the province, and abstaining from taking any notice of the other passages in the Address, in which the proceedings of His Majesty's Government at home, and the House of Commons have been adverted to.

In the first place, I can only answer to the imputations of the House of Assembly, affecting myself individually of being actuated by "vindictive and bitter feelings," and of "arbitrary and unbecoming conduct on my part displayed towards the people of the province," that the truth of those imputations can only be judged of by the public acts of my administration which speak for themselves, and require neither comment nor explanation in so far as regards the feelings and conduct imputed to me by the Assembly.

The House of Assembly complain, "that the chief recommendation to office continues to be a marked and bitter animosity towards the people of this province, that it is seldom men of French Canadian origin find their way into office under any circumstances," and so forth.

The assertion that it is seldom men of French Canadian

origin find their way into office, is best answered by a reference to facts. From the accompanying statement, it appears that of 142 appointments which have been made to offices of profit and emolument, from the commencement of my administration in the month of October 1830 to the 1st of the present month (March 1835), 80 are of French origin, and 62 not of French origin; that during the same period the appointments made to offices, not of profit and emolument, amounting to 580, 295 are of French origin, and 285 not of French origin. It thus appears, that in the two instances above-mentioned, the one of appointments to offices of profit and emolument, and the other to offices not of profit and emolument, the advantage is on the side of individuals of French origin.

In regard of the appointment of commissioners for the trial of small causes in different parts of the country, the same statement shows that those appointments amounted during the same period to 330, of which 151 are of French origin, and 179 not of French origin, leaving a trifling numerical advantage in favour of the latter class, which is accounted for in a *nota bene* at the foot of the statement.

The appointments to be commissioners for the trial of small causes had no connexion whatever with the general election, during which the Local Government preserved the strictest neutrality. An augmentation of the number of the magistrates in various parts of the country, which had been in contemplation for some time, was suspended on that occasion to avoid anything that could bear the appearance of an interference with the elections; and the same returning officers in the several counties, cities and boroughs who had before performed that office, were reappointed, although it was perfectly well known that the greater number of them were favourable to the party opposed to the Government, and those only of the former returning officers were removed (a few in number), who had on previous occasions incurred the censure of the majority of the House of Assembly.

The assertion of the House of Assembly, that the persons appointed by me to office are men who display "a marked and bitter animosity towards the people of this province," must appear very extraordinary after reviewing the accompanying statement of appointments to office during my administration, and it is one which I find difficult to answer, because the individuals alluded to are themselves taken from "the people of the province," towards whom they are represented as entertaining sentiments of "marked and bitter animosity."

The drift of this assertion of the House of Assembly is evidently to make it appear that the Canadians of French origin are unfairly dealt with in the distribution of offices; and it is made a matter of complaint with a certain political party in the province, which is identified with the majority of the House of Assembly, that the Canadians of French origin are not appointed to office in numbers corresponding with their proportion to the whole population of the province. Upon this point I take leave to submit a few observations to your Lordship's consideration. They occur in my answer to an address from the inhabitants of Montreal during the last summer, and are introduced here in order that they may be presented to your Lordship's notice in an official form.

If it be desirable that a rule should be established for the distribution of the honours and employments at the disposal of the Crown amongst the King's subjects in the province of different origin, according to their relative numbers, it becomes a matter for consideration, in what manner this object is to be accomplished. Is it proposed to separate and divide into classes the inhabitants of English, French, Scotch, Irish and American birth or origin; and in like manner to parcel out into shares proportioned to their respective numbers all those honours and employments assigning to each class its due proportion? or, is it proposed, that successively as employments in the various departments of the administration become disposable, they shall be con-

ferred on individuals of the several classes in rotation, thereby establishing a species of lottery of the favours and distinctions of Government ?

In giving effect to the principle of distribution above-mentioned, the necessary calculations for ascertaining the numbers in each class must undergo frequent revisions, with reference to the constant changes going forward in the component parts of the population of the province from the effects of immigration and other circumstances. These, and other details, would inevitably give rise to further complaints and jealousies ; but what is more than all to be deprecated, the principle above-mentioned directly tends to keep alive and perpetuate those very distinctions of national origin, which have been complained of, and of which the traces cannot, for the tranquillity and prosperity of the province, be too speedily or too effectually obliterated.

It is not in the light in which this subject has just been placed that I understand the liberal views of His Majesty's Government, but rather that the most rigid impartiality shall be observed in distributing the honours and employments at the disposal of the Crown, and that without reference to national origin, he who may be considered the best qualified for employment, or most deserving of honour, shall be the individual preferred.

This, as I understand it, is the principle upon which His Majesty's Representative in the province should govern his proceedings in the distribution of the honours and employments at the disposal of the Crown—a departure from it in favour of any particular class can alone constitute a just ground of complaint, and if inflexibly and steadily acted upon, no such ground of complaint can reasonably be brought forward on any side.

I have only to add, my Lord, to the foregoing observations, that the principles they inculcate have served as the rule of my public conduct in the administration of the Government of this province ; and that in selecting individuals for office, I have invariably made choice of

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those who, according to the best of my judgment, were best qualified for it, without partiality, favour or affection.

It appears from the statement which accompanies this despatch, and referred to above, that of the appointments to offices of profit and emolument which have been made during my administration, more than one-half have been bestowed upon Canadians of French origin. The assertion of the House of Assembly, therefore, that "it is seldom men of French Canadian origin find their way into office under any circumstances," has been fully disproved. And with reference to the complaints of the Assembly upon that head, I beg to call your Lordship's attention to the fact, that the whole of the preferment of the Roman Catholic church in the province, exceeding 25,000*l.* per annum, besides fees and dues, is almost exclusively in the hands of "men of French Canadian origin;" the head of their church, in the province (himself invariably a French Canadian enjoying a large revenue, of which 1,000*l.* per annum is paid out of the military chest), disposing of that preferment at pleasure, and without the slightest interference or control being ever attempted on the part of the Local Government. I beg not to be understood in stating this fact, that I contemplate, or would desire to see any change in the present system of patronage in the Catholic church—far from it; the fact is brought forward merely with reference to the complaints of the Assembly.

In addition to the foregoing advantage enjoyed almost exclusively by "men of French Canadian origin," the appointment of teachers in the schools established in the country parts of the province, under the authority of Acts of the Provincial Legislature, with salaries and allowances amounting altogether to 18,000*l.* per annum, is virtually at the disposal of the Members of the House of Assembly, of whom the great majority (66 out of 88) are of French origin.

Taking together the facts which I have had the honour of stating above, your Lordship will perhaps be of opinion

that the Assembly have no reasonable cause to complain of the men of "French Canadian origin" being upon an inferior footing to their fellow-subjects of British and other origin in the province, in regard to the enjoyment of offices of profit or emolument.

The House of Assembly next complain, that "even the sacred character of justice has been recently polluted in its source, by the appointing to the high office of judge for the district of Montreal" a man who was a violent and decided "partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is bound to administer."

The appointment above alluded to, is evidently that of Mr. Gale, to be puine judge for the district of Montreal; and the charge of the Assembly, that "he is the declared enemy of the laws he is bound to administer," is one of so great importance, considering the high judicial situation of the accused party, that it may be presumed the Assembly will follow it up by a more formal proceeding directed against Mr. Gale individually; in which case, an opportunity will be afforded him of defending his own character.

I will therefore only remark, with reference to the appointment of Mr. Gale, that he is indebted for it to his own character for integrity, and professional knowledge; and to the recommendation of a gentleman holding one of the highest judicial appointments in the province, who himself is universally respected.

For the rest, the political opinions entertained by Mr. Gale, whatever those may be, have never been brought under my notice, in the course of my administration, by any act or proceeding of his; and it did not appear to me to be either necessary or proper, when the question of appointing him to a seat on the bench was under my consideration, to refer to political controversies long past, and upon the merits of which a great diversity of opinion prevails in the province.

I come next to the complaint of the Assembly, in relation to my refusal to comply with the desire expressed by the town-council of Montreal, during the past summer, to extend the quarantine regulations to that city, and to advance funds from the public chest in aid of indigent emigrants. A reference to facts will in this, as in the former case, furnish the most conclusive answer to the complaints of the House of Assembly; but, before I proceed, it is necessary to apprise your Lordship that the town-council of Montreal enters very warmly into the general politics of the province, and that on that subject it sympathizes with the House of Assembly, of which it may be said to be a branch.

In the month of July last, the mayor of Montreal addressed a letter to my civil secretary, and transmitted with it a set of resolutions adopted at an extraordinary meeting of the town-council, recommending that application should be made to me to extend to the city of Montreal the quarantine regulations which were then in force at Grosse Isle, the quarantine station 30 miles below Quebec; and also for pecuniary aid from the public funds for the relief of indigent emigrants. Being at that moment absent from Quebec, the above-mentioned communication from the mayor and town-council of Montreal was forwarded to me at Sorel; and an answer was returned, of which I have the honour of transmitting a copy, and to which I take leave to solicit your Lordship's particular attention, the House of Assembly having described it as being "marked by coldness and insult."

The restrictions necessarily imposed upon vessels arriving at Grosse Isle, in giving effect to the quarantine regulations established in the province, have been found productive of great, although unavoidable, hardship, inconvenience, and loss to individuals, and to the mercantile body, and complaints upon that subject have even reached the Colonial Office; to add therefore to those evils, by subjecting individuals to further restrictions, after having undergone the

necessary detention and examination for the prevention of the introduction of disease into the province, required by the regulations of the quarantine station, was if possible to be avoided. The repetition of those restrictions, therefore, was discouraged by me, when suggested by the town-council of Montreal. There is, moreover, another consideration which does not appear to have been contemplated by them. The city of Montreal is distant 180 miles from Quebec inland; and steam-vessels (the usual conveyance in the summer season for travellers from Quebec to Montreal) make two stoppages on the route, one at Three Rivers, and the other at Sorel; so that if it were deemed necessary to extend the quarantine regulations to Montreal, as suggested by the town-council, it would have been equally necessary to extend these regulations, first to Three Rivers, and then to Sorel. In this manner, therefore, persons arriving from beyond sea would be subjected to all the restrictions of quarantine at four distinct stations in succession; namely, at Grosse Isle, at Three Rivers, at Sorel, and finally at Montreal.

The application for the issue of funds from the public chest in aid of indigent emigrants must have been made by the town-council of Montreal with the full knowledge of my ineffectual attempts to induce the House of Assembly to make the necessary appropriation for the relief of that class of emigrants, upon which subject I shall have occasion to add a few words presently.

I cannot refrain from remarking that these complaints, in relation to the extension of the quarantine station to Montreal, and the issue of public money in aid of indigent emigrants, come with a very ill grace from the House of Assembly, under all the circumstances of the case.

During the session of the last year, I sent down a message to the House of Assembly, to the following effect:

"With reference to the measures adopted by the Executive Government, for giving effect to the provisions of the Quarantine Act of the year 1795, as communicated to the

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House of Assembly during the present session, the Governor-in-chief now recommends to the House to take into their consideration the expediency of placing at the disposal of the Executive Government, to be made use of according to circumstances, a sum adequate to defray the expenses of the necessary improvements in the establishment at Grosse Isle, and to provide for its current expenses during the ensuing season, in the event of its being deemed necessary again to resort to the provisions of the before-mentioned Act."

The above-recited message remained unnoticed on the table of the House of Assembly, and the session terminated without any provision whatever having been made by the Assembly for giving effect to the quarantine establishment.

It was under these circumstances, and when a petition was before the House of Commons, on the part of the House of Assembly, demanding that articles of impeachment should be preferred against me by that Honourable House before the House of Lords, founded upon various accusations, amongst which were enumerated (alleged) illegal advances made by me from the public chest;—it was under these circumstances that, in order to meet the wishes of the province at large, I took upon myself the responsibility of advancing the necessary funds for the re-establishment of the quarantine station at Grosse Isle, amounting to nearly 4,000*l.*, for which no bill of indemnity has yet been passed, and for which I am therefore still accountable.

The objections which had been raised in the Upper Province, and by a portion of the mercantile body in Lower Canada, to the tax upon emigrants, together with other circumstances, having excited doubts in my mind whether a renewal of the Bill (then on the point of expiring), imposing that tax, would receive the Royal sanction, I decided upon reserving it for the signification of His Majesty's pleasure, in the event of its being brought up to me at the close of the session; and at the same time being desirous of obtaining some temporary aid for the relief of indigent emigrants,

I sent down to the House of Assembly (on the 14th January, 1834), a message, which I now transcribe.

"The Governor-in-chief considers it to be necessary to apprise the House of Assembly, with reference to the Act 2 Will. 4, c. 17, intituled, 'An Act to create a Fund for defraying the Expenses of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their Destination,' which Act will expire on the 1st day of May next, that it will be his duty to reserve for the signification of His Majesty's pleasure any Act continuing the aforesaid Act, or imposing any tax on emigrants arriving in this colony.

"The Governor-in-chief therefore recommends to the House of Assembly to take into consideration the expediency of making temporary provision from the public funds of the province, in aid of sick and indigent emigrants in the cities of Quebec and Montreal, thereby relieving the inhabitants of those places from the appeals on behalf of such persons, which have heretofore been found to be alike burthensome to their means, and distressing to their feelings."

The message above recited remained, like the preceding one, altogether unnoticed by the House of Assembly, which separated at the end of the session, after having renewed the Emigrant Tax Bill (which, as I intimated to them would be the case, was reserved for the signification of His Majesty's pleasure), but without making any temporary provision for the relief of indigent emigrants, as recommended in my message.

As I have observed above, the town-council of Montreal must have been aware of the fact of my having communicated such a message to the House of Assembly, and of the fate of it, when they applied to me to issue money from the public funds; and they must likewise have been aware (for two of their body, Members of the House of Assembly, were parties to the measure), that the Assembly had demanded my impeachment upon certain accusations, amongst

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which was one charging me with having taken money from the public chest without legal authority.

But, my Lord, had I yielded to the wishes of the town-council in the instance in question, I should have been assailed from all quarters for advances from the public chest for the establishment of hospitals in various parts of the country; and considering that every circumstance in the present state of this province is laid hold of, and converted to party purposes, a refusal in any one instance would have been made the subject of loud and bitter complaints against the Local Government. I felt, moreover, that the application of the town-council of Montreal was not such as to justify an exception being made to the rule I had laid down for my own guidance in regard to the issue of public money, because subscriptions had been raised there, as well as at Quebec, for the relief of indigent emigrants.

There is only one point remaining to be noticed in the petition of the House of Assembly, which immediately bears upon the local administration; it relates to "the payment of the public servants without (as the Assembly allege) the sanction or cognizance of the only body authorized to give such sanction."

I can only state, in answer to that assertion, that the payments made to the public servants, since the failure of the Supply Bill in the year 1833, have all been made, according to the instructions of the Secretary of State, out of the casual and territorial revenue (which belongs to the Crown), and out of the revenues distinctly appropriated and placed at the disposal of the Crown, towards the support of the civil government and the administration of justice, by the following Acts of the Provincial Legislature, namely, the 35 Geo. 3, c. 9, and 41 Geo. 3, c. 13 and 14.

It may be, although not distinctly stated in their petition, that the Assembly likewise complain of the payments recently made to the public officers on account of the arrears of salaries, and contingent allowances due to them, out of

the military chest, equal to 31,000*l.* sterling. That payment, in like manner, was made in pursuance of the instructions of the Secretary of State for the Colonial Department; and I have only to remark in relation to it, that although the subject was distinctly brought before the House of Assembly, at the opening of the session which has just terminated, and although almost immediately afterwards they were urged (in my message of the 3rd instant) to make provision for the re-payment of that sum, the Assembly have separated without even having taken my message into consideration.

The petition of the House of Assembly embraces several other points, which (as I have already observed at the commencement of this despatch) I have left untouched, as not being exclusively directed against my own administration.

I have likewise abstained from noticing the terms used by the Assembly in describing my public acts, and the feelings imputed to me, confident as I am that the general tenor and language of that body regarding myself will not fail to be appreciated by your Lordship as it deserves.

I have, &c.

(signed) *Aylmer.*

Statement showing the Appointments to Offices of Profit or Emolument made by His Excellency Lord Aylmer, from the Commencement of his Administration to the 1st March, 1835.

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. Appointed.
		French	Not French	
Louis Baribault	assistant examiner of pilots.	1	See N. B. at end.	Montreal
Hector S. Huot, esq.	secretary to the commissioners for erecting a marine hospital.	1	...	Quebec
George G. Holt, gent.	inspector of pot and pearl ashes .....	..	1	Ditto
Philip H. Moore, esq. ...	registrar .....	..	1	Freligsbury
Joseph Fenwick, gent. ...	marshal of Vice-Admiralty .....	..	1	Quebec
Louis M. Marchand, and Leon B. Leprohon....	clerks of the old and new markets	2	..	Montreal
Michael O'Sullivan, esq.	King's counsel in the law .....	..	1	Ditto
Fred. Aug. Quesnel, esq.	ditto	1	..	John Sewell, esq.
C. A. Detonnancour, esq.	gentleman usher of the black rod, Legislative Council	..	1	Inferior Dist. of St. Francis
John Johnson and Pierre Doucet, esqrs.	coroner	1	..	
François Laroche and Joseph Barnard, esqrs. ...	commissioners under the Act for ascertaining the population..	1	1	Co. of Gaspé
Anthony von Iffland and Richard Burke, esqrs..	ditto	2	..	Co. of Portneuf
Pierre Gamelin, esq.	ditto .....	..	2	Co. of Richelieu
Charles A. Fournent and Hercule Oliver.	ditto	1	..	Co. of Laprairie
Joseph M. Badeau and C. Edward Gagnon.....	ditto	1	1	Co. of Berthier
John Lewis Ployait, esq.	ditto	2	..	Co. of St. Maurice
Augustin Delisle.	ditto	1	..	Co. of Drummond
E. Desbarats, C. Drolet, and J. A. Taschereau, esq.	ditto	1	..	Co. of Chamby
Hyp. St. George Duprés and George Weeks, esq	ditto	3	..	Co. of Quebec
John Crawford, esq.	ditto	1	1	Co. of Montreal
François Coyteaux and Landré Provost, esq. ...	ditto .....	..	1	Co. of Bonaventure
	ditto	2	..	Co. of Terrebonne

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. Appointed.
		French.	Not French.	
Andrew, Russel, esq.	commissioners under the Act for ascertaining the population ..	..	1	Co. of Mégantic
Leon Noel and Damasse Larice, esq.	ditto	2	..	Co. of Lotbinière
John Baker, esq.	ditto	..	1	Co. of Missisquoi
William Henry, esq.	ditto	..	1	Co. of Sherbrooke
Jean Ol. Arcan, esq.	ditto	1	..	Co. of Yamaska
Pierre Anniot, esq.	ditto	1	..	Co. of Veschires
Pierre J. Mathon and Amiable Rochette, esq.	ditto	2	..	Co. of Champlain
J. F. Tetu, esq.	ditto	1	..	Co. of St. Hyacinthe
Alexandre Mabbutt, esq., and J. B. Meilleur, esq.	ditto	2	..	Co. of L'Assomption
Augustin Rocher, esq. ..	ditto	1	..	Co. of Lachenaie
Baptiste Bomeville and Pierre Patrie, esq.	ditto	2	..	Co. of Beance
Othener H. Day, esq.	ditto	..	1	Co. of Ottawa
William Ritchie and Silas H. Dickerson, esq. ..	ditto	..	2	Co. of Stanstead
Pierre Lambert and Pierre Paradis, esq.	ditto	2	..	Co. of Dorchester
Nazaire Larne, esq.	ditto	1	..	Co. of Orleans
Louis Ruel and Joseph Gosselin, esq.	ditto	2	..	Co. of Bellichasse
John Dyde, esq.	inspector of pot and pearl ashes .....	..	1	Co. of Quebec
F. H. Goodhue, esq.	registrar .....	..	1	Co. of Sherbrooke
Barth. Tierney, esq.	comptroller of customs	..	1	Port of Coteau Du Lac
Andrew Armour, esq. ..	joint King's printer ..	..	1	Montreal
Thomas P. Anderson, esq.	registrar .....	..	1	Co. of Mégantic
George Thos. Griffin, esq.	ditto	..	1	Co. of Ottawa
Charles Panet, esq.	joint coroner	1	..	District of Quebec
Augustin Keeper, esq. ..	secretary to commis- sioners .....	..	1	Chambly Canal
P. Panet, esq.	King's counsel in the law	1	..	
Hughes Heney, esq.	law clerk, House of Assembly	1	..	
Charles N. Perrault, esq.	president physician, Board of Health ..	1	..	Quebec
Joseph Parant, esq.	ditto	1	..	Ditto
Joseph Morin, esq.	health commissioner	..	1	Ditto
Errol B. Lindsay, esq. ..	registrar Trin. House	..	1	Ditto
Ditto	treasurer ditto	1	Ditto
John M'Callum	inspector of fish and oil	..	1	Ditto

what Place, &c.
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of Lotbinière
of Missisquoi
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PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. Appointed.
		French.	Not French.	
Oliver Godbout	inspector of fish and oil	1	..	Quebec
Alexander Morrison	ditto	..	1	Ditto
Peter Merekell	ditto	1	..	Ditto
Robert Nelson, esq.	health commissioner	1	..	Montreal
J. U. Delisle, esq.	water-bailiff	1	..	Ditto
John Delisle, esq.	treasurer of Trinity			
Ditto	House	1	..	Ditto
Edward Armstrong	registrar	1	..	Ditto
William Pardey, esq.	harbour-master .....	..	1	Ditto
Pierre Beaubien, esq.	resident-physician ..	..	1	Ditto
Geo. M. Douglas, esq.	ditto	1	..	Ditto
F. X. Perrault and Alexander Scott, esqrs.	ditto	..	1	Gaspé
T. W. Willan, esq.	joint clerk of the peace	1	1	District of Quebec
Hon. Philip Panet, esq.	clerk of the Crown ..	..	1	Ditto
Thomas W. Lloyd, esq.	puisne judge	1	..	Ditto
Réné Hamel, esq.	registrar .....	..	1	Co. of Mégantic
Francis J. C. Arnoldi, esq.	advocate-general ..	1	..	Prov. of Lo. Canada
J. B. Bacquet, H. S. Knot, and E. Caron, esqrs.	resident physician ..	1	..	Montreal
Michael O'Sullivan, P. De Rocheblave, and John Finlay, esqrs.	commissioners under 1 W. 4, c. 51, for subdivision of parishes.	3	..	District of Quebec
T. Coffin, P. Vezina, and Hughes Heney, esqrs.	ditto	1	2	Dist. of Montreal
Geo. Johnston Holt, esq.	inspectors of pot and pearl ashes	2	1	District of Three Rivers
Elzear J. Duchesnay, esq.	clerk of the Crown ..	..	1	Dist. of Montreal
J. W. Willan, esq.	ditto	1	..	District of Quebec
Olivier Valérand	water-bailiff .....	..	1	Ditto
Robert Armour, jun.	registrar and clerk of Trinity House.	1	..	Quebec
Ditto	treasurer of ditto ..	..	1	Montreal
Dominique Mondelet, esq.	King's counsel in the law.	..	1	Ditto
P. L. Panet, esq.	grand voyer	1	..	Dist. of Montreal
Hugues Heney, esq.	ditto	1	..	District of Three Rivers
J. Delisle and Alexander M. Delisle, esqrs.	joint clerk of the peace	2	..	Dist. of Montreal
Charles R. Ogden, esq.	attorney-general .....	..	1	
Charles Fortier, esq.	health officer	1	..	Quebec
Ebenezer Peek, esq.	King's counsel in the law.	..	1	Inferior District of St. Francis

PERSONS APPOINTED.	OFFICE.	ORIGIN.		For what Place, &c. Appointed.
		French.	Not French.	
Alexander M. Delisle, esq.	clerk of the Crown ..	1	..	Montreal
Michel Barbeau, esq.....	inspector of weights ..	1	..	Ditto
Michel Barbeau, gent. ..	clerk of the hay market ..	1	..	Ditto
Michael O'Sullivan, esq.	solicitor-general .....	..	1	
François Fortier, esq.....	inspecting physician ..	1	..	Grosse Isle
R. Wyat, gentleman	inspector of beef and pork .....	..	1	Montreal
Robert Hamilton, esq.....	comptroller customs ..	..	1	Ditto
Paul Joseph Lacroix, esq.	commissioner for the subdivision of pa- rishes	1	..	
Martin Shefford, esq.....	sheriff .....	..	1	District of Quebec
James J. Taylor, esq.....	registrar .....	..	1	Ditto of Gaspé
David Chisholm, esq.....	coroner .....	..	1	County of Ottawa
William Dalton, esq.....	inspector of scows ..	..	1	Dis. of Three Rivers
George M. Muir, esq.....	registrar .....	..	1	Chateauquay
Francis M. Lepailleur ..	measurer of scows ..	1	..	Co. of Mégantic
Robert Hoyle, esq.....	collector of customs ..	..	1	Chateauquay
George Proud	inspector of flour ..	..	1	Stanstead
Buckley Rowley.....	ditto of beef .....	..	1	Montreal
Charles Deguise, esq.....	commissioner for the sub-division of pa- rishes	1	..	Ditto
John Davidson, esq.	clerk of the Crown in Chancery .....	..	1	District of Quebec
German Savard	inspector of fish & oil ..	1	..	Ditto
François Grenier	ditto ditto	1	..	Quebec
Samuel Gale, esq.	puisne judge, Court of King's-bench .....	..	1	Ditto
Edward Desbarats, esq.	clerk of the Court of Appeals	1	..	Montreal
John Thompson, esq.....	commissioner for the collection of tolls ..	..	1	
William K. Rayside, esq.	assist. harbour-master ..	..	1	Chaudière bridge
Barth. Simon dit Lafleur	water-bailiff	1	..	Quebec
Theodore Davis, esq.....	registrar .....	..	1	Ditto [tains
John Meyer, esq.....	ditto .....	..	1	Co. of Two Moun- Co. of Mégantic
Thomas Amiot, esq.....	clerk of the Crown in Chancery	1	..	
John Wilkie, esq.	clerk of the peace, &c. ....	..	1	Inferior District of Gaspé.
		80	62	
	TOTAL.....		142	

Statement showing the Number and Origin of Persons appointed Commissioners of Small Causes, and the Number and Origin of Persons appointed to all other Offices not of Profit or Emolument, from the commencement of the Administration of his Excellency Lord Aylmer, to the 1st March, 1835.

	French Origin.	Not of French Origin.	TOTAL.
Appointments to office not of profit or emolument.	295	285	580
Ditto . commissioners of small causes.	151	179	330

N. B.—The majority of commissioners of Small Causes not being of French origin, is accounted for by the fact, that nearly one-third of these appointments are for the townships, where persons of French origin do not reside, and where the French language is not spoken.

Not of French origin includes persons of every other origin who have received appointments, very many of whom are descendants of families settled within the province for several generations, and who are as much identified with the best interests of the province as it is possible for persons of French origin to be. A fact which is alike applicable to every description of appointment, whether of emolument or otherwise.

SALLE DU CONSEIL DE VILLE MONTREAL,
12 Juillet, 1834.

Monsieur,

Les Docteurs Robert Nelson et Guill. J. Vallée, deux des conseillers de ville, et deux des membres du comité sanitaire de Montréal, ayant eu connaissance personnelle qu'il existoit, depuis hier, des cas de choléra Asiatique en cette ville, m'en ont informé aujourd'hui vers midi ; en m'engageant à convoquer extraordinairement le conseil, pour aviser aux mesures qu'il conviendroit de prendre dans une circonstance aussi menaçante.

J'ai immédiatement convoqué le conseil de ville, qui a

eu devoir siéger à huis clos (à 3 heures P.M.) pour ne point allarmer trop tôt le public par une délibération qui pouvoit avoir cet effet par la nature des informations que Messrs. Nelson et Vallée devoient y donner.

Il paroît donc, par le rapport de ces messieurs (comme par celui que j'ai eu depuis du Dr. P. Beaubien), que du nombre des émigrés, amenés dans ce port par le "Lady of the Lake," il en est décédé un, hier, du choléra Asiatique, au faubourg St. Anne, maison de Joshua Bell; qu'un autre (une femme enceinte) a succombé à la même maladie, ce matin, aux Hangards des émigrés, érigés dans la commune de Montréal; et qu'un troisième individu en est atteint à l'hôpital général, ou il a été transporté.

Le conseil de ville a donc eu qu'il ne pouvoit tarder à prendre toutes les mesures de précaution que la foible prudence humaine, l'expérience exercée de la faculté, et les sages prévisions du législateur, pouvoient suggérer et indiquer dans l'intérêt de la santé, et de la vie même de nos concitoyens, comme dans l'intérêt de l'humanité en général, si facile d'adapter et de mettre en pratique ces mesures de précaution, la maladie devoit croître et s'étendre au de là des limites de cette cité, comme elle l'a fait d'une manière si désastreuse en 1832.

Vous verrez, monsieur, par la copie ci-incluse des délibérations du conseil de ville, les résolutions qu'il a prises aujourd'hui dans le but ci-dessus. Je vous les adresse de la part du conseil, pour que vous les soumettiez de suite à son Excellence le Gouverneur en Chef, en le priant de vouloir bien prêter une oreille favorable aux urgentes sollicitations qui lui sont personnellement faites par quelques unes de ces résolutions, dont l'exécution est dans les attributs du chef de l'administration et nom du conseil de ville.

J'ai l'honneur d'être, Monsieur, &c.

(signé) *J. Viger, Maire de Montréal.*

Lieut. Col. Craig,
Sec. Civil. &c. &c., Quebec.

SEANCE DU CONSEIL DE VILLE MONTREAL,
Samedi, 12 Juillet, 1834.

Présents :—M. Le Maire, Dr. Chs. A. Lusignan, Purton Penn, Dr. Guill. J. Vallée, M. Pierre Dufresne, John Dangeraire, Augustin Tullock, Julien Perrault, Nahum Hall, Antoine Voyer, Dr. Robert Nelson, Chs. S. Bodier.

M. le Maire a informé le conseil qu'il l'a convoqué extraordinairement ce jourd'hui, en conséquence de la communication que lui auraient faites, vers midi, Mess. les Drs. Robert Nelson et Vallée (deux des membres de ce conseil) qu'il existait du choléra Asiatique, depuis hier, dans Montréal, et que même une des personnes atteintes de cette maladie y avait succombé ce matin.

Sur motion du Dr. Vallée, secondée par M. Tullock :
Résolu, Qu'il soit fait application immédiate à son Excellence le Gouverneur en Chef, pour le prier d'étendre, sous le plus court délai possible, à la ville de Montréal, les avantages de l'Acte de la 35 Geo. 3, c. 5, ou de la quarantaine ; en autant qu'il existe depuis hier, dans cette ville, plusieurs cas de choléra Asiatique, et qu'à la connaissance personnelle du moteur, une des personnes atteintes de cette maladie y a succombé ce jourd'hui.

Sur motion de M. Perrault, secondée par M. Tullock :
Résolu, Que les hangards et l'ambalance, élevés dans la commune de cette ville, pour l'usage des émigrés et des cholériques, et maintenant en la possession temporaire de la société des émigrés, soient de ce jour mis sous la surveillance d'un comité de cinq des membres du conseil de ville, pour, par le dit comité, faire servir les dits bâtiments à telles fins, qu'il lui semblera les plus propres à conserver la santé publique.

Résolu, Que Messrs. Perrault, Nelson, Vallée, Lusignan et Penn composent le dit comité.

On motion of Dr. Nelson, seconded by Dr. Vallée :

Resolved, That Drs. P. Beabien and Monro, jun., be requested to take charge, under the direction of the above committee, of the cholera sick at the sheds, on the common, until further provisions be made, either by his Excellency the Governor in Chief or by the common council.

On motion by Mr. Penn, seconded by Dr. Lusignan :

Resolved, That a representation be made to his Excellency the Governor in Chief, stating that there are at present in Montreal a great number of indigent emigrants, without the means of proceeding to the Upper Province, many of whom are suffering from illness, and that there are no public funds appropriated for their relief; that the health of this city is endangered from this cause; and praying that his Excellency may grant such relief as the urgency of the case requires.

On motion of Mr. Hall, seconded by Mr. Voyer :

Resolved, That the common councilmen of each ward be instructed to visit every house and premises in their respective wards, and to report to the mayor all such infractions of the police regulations, prejudicial to the public health, as may fall under their observations, to the end that proper measures may be immediately adopted for the protection of the health of the citizens.

Sur motion du Maire, secondée par M. Danegaire :

Résolu, Que le comité des chemins prenne sans délai les moyens les plus efficaces, d'assainir les parties basses et malsaines de la cité, et que, tant par l'ouverture de fossés, ou la construction de canaux souterrains, propres à faciliter l'écoulement des eaux stagnantes, &c., que par tels autres travaux que le comité jugera plus convenables et moins couteux selon la nature des lieux à améliorer.

Pour vrai extrait des procédés du conseil de ville.

(signé) *P. Anger, Sec. Cr.*

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Sec. C^r.

SOREL, 16th July, 1834.

Sir,

Your letter, dated Montreal, July 12th, addressed to Lieutenant-colonel Craig, civil secretary, together with the minutes which accompanied it of the proceedings of the town council of the city of Montreal of the same date, relating to the public health of that city, having been transmitted to the Governor in Chief at this place, his Excellency has directed me to signify to you in answer, that although always disposed to promote any measure having for its object the preservation of the public health of the inhabitants of Montreal, his Excellency apprehends that it is not in his power to give effect to the suggestions of the town council in the present instance. With reference to the first resolution of the town council, at their meeting on the 12th instant, his Excellency has to observe, that the Act therein alluded to (35 Geo. 3, c. 5,) is now, and has been ever since the opening of the navigation, in full operation; and under its provisions, and the proclamation founded upon them of the 17th April last, all vessels arriving in the province from sea, are subject to the strictest examination, and every possible precaution is used at the quarantine station at Grosse Isle to prevent the introduction of disease; and as a further security, measures have been taken at Quebec for the medical examination of the passengers of vessels which may accidentally have passed Grosse Isle without conforming to the regulations established there. Nothing therefore remains to be done, in so far as regards the operation of the Act in question, upon vessels coming by sea from other countries.

Nevertheless, should it be deemed advisable by the town council of Montreal, as a local measure of precaution, to cause the state of health of passengers arriving in steam-boats or other vessels to be examined previously to their obtaining permission to land, the Governor in Chief apprehends that that object may be accomplished by means of

municipal regulations. But this, as well as other measures of precaution purely local, must be left to the wisdom of the town council, in conformity with the powers with which they are invested by law.

With reference to the fourth resolution of the town council, his Excellency directs me to observe, that he can readily believe in the truth of one fact therein mentioned, namely, that there are at present in Montreal a great number of indigent emigrants without the means of proceeding to the Upper Province; that such would prove to be the case during the present season of navigation, the experience of past years could leave no room to doubt; and were this subject now brought under the notice of the Governor in Chief for the first time, he would in all probability be induced to incur the responsibility of providing for their passage to the Upper Province out of the public funds. Circumstances, however, into which it is unnecessary to enter on the present occasion, render such a step on the part of the Governor in Chief highly inexpedient; and his Excellency has only to observe, with reference to the application for the relief of those indigent emigrants, contained in the fourth resolution of the town council, that there are no public funds appropriated for that object.

I have, &c.

(signed) *Howel Paynter, Lt & A. D. C.*

To the Mayor of Montreal.

FINIS.

C. WHITTINGHAM, TOOKS COURT, CHANCERY LANE.

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